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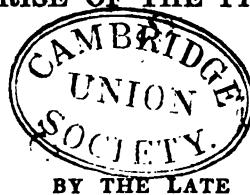


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A  
V I E W  
OF  
THE REIGN OF JAMES II.

FROM HIS ACCESSION,  
TO THE ENTERPRISE OF THE PRINCE OF ORANGE.



RIGHT HON. SIR JAMES MACKINTOSH.



LONDON:  
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## ADVERTISEMENT.

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It is generally known that the late Sir James Mackintosh, many years previous to his death, formed the resolution to write a History of England from the Revolution, in continuation of that of Mr. Hume. Of this undertaking the present Fragment, which comprises a view of the reign of James the Second, from his accession to the enterprise of the Prince of Orange, is all that was found after his decease written out in a fit state for publication. With the view of rendering it more generally useful, the Publishers, who had acquired the copyright, some time ago gave it to the world, with a continuation to the settlement of the Crown by another hand. Finding that some persons entertain a wish to possess this Fragment without the continuation, they now offer to the Public the historical Fragment; with no other additions than the convenient ones of a Table of Contents and an Index.

London, June 1835.



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A VIEW  
OF  
THE REIGN OF JAMES II.

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CHAPTER I.



GENERAL STATE OF AFFAIRS AT HOME — ABROAD. — CHARACTERS OF THE MINISTRY.  
— SUNDERLAND. — ROCHESTER. — HALIFAX. — GODOLPHIN. — JEFFREYS. — FEVER-  
SHAM — HIS CONDUCT AFTER THE VICTORY OF SEDGEMOOR. — KIRKE. — JUDICIAL  
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— TRIAL OF MRS. GAUNT AND OTHERS. — CASE OF HAMPDEN. — PRIDEAUX. —  
LORD BRANDON. — DELAMERE.

THOUGH a struggle with calamity strengthens and elevates the mind, the necessity of passive submission to long adversity is rather likely to weaken and subdue it: great misfortunes disturb the understanding perhaps as much as great success; and extraordinary vicissitudes often produce the opposite vices of rashness and fearfulness, by inspiring a disposition to trust too much to fortune, and to yield to it too soon. Few men experienced more sudden changes of fortune than James II.; but it was unfortunate for his character that he never owed his prosperity, and not always his adversity, to himself. The affairs of his family seemed to be at the lowest ebb a few months before their triumphant restoration. Four years before the death of his brother, it appeared probable that he would be excluded from the succession to the crown; and his friends seemed to have no other means of averting that doom, than by proposing such limitations

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1685.

General  
state of af-  
fairs at the  
accession of  
James II.

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of the royal prerogative as would have reduced the government to a merely nominal monarchy. But the dissolutions by which Charles had safely and successfully punished the independence of his last parliament, the destruction of some of his most formidable opponents, and the general discouragement of their adherents, paved the way for his peaceable, and even popular, succession; the defeat of the revolts of Monmouth and Argyle appeared to have fixed his throne on immovable foundations; and he was then placed in circumstances more favourable than those of any of his predecessors to the extension of his power, or, if such had been his purpose, to the undisturbed exercise of his constitutional authority. The friends of liberty, dispirited by events which all, in a greater or less degree, brought discredit upon their cause, were confounded with unsuccessful conspirators and defeated rebels: they seemed to be at the mercy of a prince, who, with reason, considered them as the irreconcilable enemies of his designs. The zealous partisans of monarchy believed themselves on the eve of reaping the fruits of a contest of fifty years' duration, under a monarch of mature experience, of tried personal courage, who possessed a knowledge of men, and a capacity as well as an inclination for business; whose constancy, intrepidity, and sternness were likely to establish their political principles; and from whose prudence, as well as gratitude and good faith, they were willing to hope that he would not disturb the security of their religion. The turbulence of the preceding times had more than usually disposed men of pacific temper to support an established government. The multitude, pleased with a new reign, generally disposed to admire vigour and to look with complacency on success, showed many symptoms of that propensity which is natural to them, or rather to mankind, — to carry their applauses to the side of fortune, and to imbibe the warmest passions of a victorious party. The strength of the Tories in a parliament assembled in such a temper of the nation, was aided by a numerous reinforcement of members of low condition and subservient character, whom the forfeiture of the charters of towns enabled the court to pour into

the House of Commons.\* In Scotland the prevalent party had ruled with such barbarity that the absolute power of the king seemed to be their only shield against the resentment of their countrymen. The Irish nation, devotedly attached to a sovereign of their own oppressed religion, offered inexhaustible means of forming a brave and enthusiastic army, ready to quell revolts in every part of his dominions.

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His revenue was ampler than that of any former king of England; a disciplined army of about twenty thousand men was, for the first time, established during peace in this island, and a formidable fleet was a more than ordinarily powerful weapon in the hands of a prince whose skill and valour in maritime war had endeared him to the seamen, and recommended him to the people.

The condition of foreign affairs was equally favourable to the king. Louis XIV. had, at that moment, reached the zenith of his greatness; his army was larger and better than any which had been known in Europe since the vigorous age of the Roman empire; his marine enabled him soon after to cope with the combined forces of the two maritime powers; he had enlarged his dominions, strengthened his frontiers, and daily meditated new conquests: men of genius applauded his munificence, and even some men of virtue contributed to the glory of his reign. This potent monarch was bound to James by closer ties than those of treaty; by kindred, by religion, by similar principles of government, by the importance of each to the success of the designs of the other; and he was ready to supply the pecuniary aid required by the English monarch, on condition that James should not subject himself to the control of his parliament; but should acquiesce in the schemes of France against her neighbours. On the other hand, the feeble government of Spain was no longer able to defend her unwieldy empire; while the German branch of the

Foreign  
affairs.

\* "Clerks and gentlemen's servants." Evelyn, i. 558. The Earl of Bath carried fifteen of the new charters with him into Cornwall, from which he was called the Prince "Elector." "There are not 135 in this House who sat in the last," 562. By the lists in the Parliamentary History they appear to be only 128.

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Austrian family had, by their intolerance, driven Hungary into revolt, and thus opened the way for the Ottoman armies twice to besiege Vienna. Venice, the last of the Italian states which retained a national character, took no longer any part in the contests of Europe, content with the feeble lustre which conquests from Turkey shed over the evening of her greatness. The kingdoms of the north were confined within their own subordinate system ; Russia was not numbered among civilised nations ; the Germanic states were still divided between their fears from the ambition of France, and their attachment to her for having preserved them from the yoke of Austria. Though a powerful party in Holland were still attached to France, there remained, on the continent, no security against the ambition of Louis, no hope for the liberties of mankind but the power of that great republic, animated by the unconquerable soul of the prince of Orange. All those nations, of both religions, who trembled at the progress of France, turned their eyes towards James, and courted his alliance, in hopes that he might still be detached from his connection with Louis, and that England might resume her ancient and noble station, as the guardian of the independence of nations. Could he have varied his policy, that bright career was still open to him. He, or rather a man of genius and magnanimity in his situation, might have rivalled the renown of Elizabeth, and anticipated the glories of Marlborough. He was courted or dreaded by all Europe. Who could, then, have presumed to foretell that this great monarch, in the short space of four years, would be compelled to relinquish his throne, and to fly from his country, without struggle and almost without disturbance, by the mere result of his own system of measures, which, unwise and unrighteous as it was, seemed in every instance to be crowned with success till the very moment before its overthrow.

Ministry.

The ability of the ministers, who were consulted on the most important measures of government, might be considered as among the happy parts of his fortune. It was a little before this time that the meetings of such ministers began to be generally known by the

modern name of the cabinet council.\* The privy council had been originally a selection of a similar nature; but when seats in that body began to be given or left to those who did not enjoy the king's confidence, and it became too numerous for secrecy or despatch, a committee of its number, which is now called the cabinet council, were intrusted with the direction of confidential affairs; leaving to the body at large business of a judicial or formal nature, to the greater part of its members an honourable distinction instead of an office of trust. The members of the cabinet council were then, as they still are, chosen from the privy council by the king, without any legal nomination, and generally consisted of the ministers at the head of the principal departments of public affairs. A short account of the character of the members of the cabinet will illustrate the events of the reign of James II.

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Robert Spencer, Earl of Sunderland, who soon acquired the chief Sunderland. ascendancy in this administration, entered on public life with all the external advantages of birth and fortune. His father fell in the royal army at the battle of Newbury, with those melancholy forebodings of danger from the victory of his own party which filled the breasts of the more generous royalists, and which, on the same occasion, saddened the dying moments of Lord Falkland. His mother was Lady Dorothy Sidney, celebrated by Waller under the name of Sacharissa. He was early employed in diplomatic missions, where he acquired the political knowledge, insinuating address, and polished manners, which are learnt in that school, together with the subtlety, dissimulation, flexibility of principle, indifference on questions of constitutional policy, and impatience of the restraints of popular government, which have been sometimes contracted by English ambassadors in the course of a long intercourse with the ministers of absolute princes. A faint and superficial preference of the general principles of civil liberty was blended in a manner not altogether unusual with his diplomatic vices. He seems to have gained the support of the Duchess of

\* North's Life of Lord Keeper Guildford, 218.

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Portsmouth to the administration formed by the advice of Sir William Temple, and to have then gained the confidence of that incomparable person, who possessed all the honest arts of a negotiator.<sup>a</sup> He gave an early earnest of the inconstancy of an over-refined character by fluctuating between the exclusion of the Duke of York and the limitations of the royal prerogative. He was removed from the administration for his vote on the Bill of Exclusion. The love of office soon prevailed over his feeble spirit of independence, and he made his peace with the court by the medium of the Duke of York, who had long been well disposed to him<sup>b</sup>, and of the Duchess of Portsmouth, who found no difficulty in reconciling the king to a polished as well as pliant courtier, an accomplished negotiator, and a minister more versed in foreign affairs than any of his colleagues.<sup>c</sup> Negligence and profusion bound him to office by stronger though coarser ties than those of ambition: he lived in an age when a delicate purity in pecuniary matters had not begun to have a general influence on statesmen, and when a sense of personal honour, growing out of long habits of co-operation and friendship, had not yet contributed to secure them against political inconstancy. He was one of the most distinguished of a species of men who perform a part more important than noble in great events; who, by powerful talents, captivating manners, and accommodating opinions; by a quick discernment of critical moments in the rise and fall of parties; by not deserting a cause till the instant before it is universally discovered to be desperate, and by a command of expedients and connections which render them valuable to every new possessor of power, find means to cling to office or to recover it, and who, though they are the natural offspring of quiet and refinement, often creep through stormy revolutions without being crushed. Like the best and most prudent of his class, he

<sup>a</sup> Sir W. Temple's Memoirs, Part III.

<sup>b</sup> Legge's Letters, MS. "Lord Sunderland knows I have always been very kind to him." Duke of York to Mr. Legge, 23d July, 1679. Brussels.

<sup>c</sup> Some of Lord Sunderland's competitors in this province were not formidable. His successor, Lord Conway, when a foreign minister spoke to him of the Circles of the Empire, said, "he wondered what circles should have to do with politics."

appears not to have betrayed the secrets of the friends whom he abandoned; and never to have complied with more evil than was necessary to keep his power. His temper was without rancour; he must be acquitted of prompting, or even preferring the cruel acts which were perpetrated under his administration: deep designs and premeditated treachery were irreconcilable both with his indolence and his impetuosity; and there is some reason to believe, that in the midst of total indifference about religious opinions, he retained to the end some degree of that preference for civil liberty which he might have derived from the example of his ancestors, and the sentiments of some of his early connections.

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Lawrence Hyde, Earl of Rochester, the younger son of the Earl of Clarendon, was Lord Sunderland's most formidable competitor for the chief direction of public affairs. He owed this importance rather to his position and connections than to his abilities, which, however, were by no means contemptible. He was the undisputed leader of the Tory party, to whose highest principles in church and state he showed a constant, and probably a conscientious attachment. He had adhered to James in every variety of fortune, and was the uncle of the Princesses Mary and Ann, who seemed likely in succession to inherit the crown. He was a fluent speaker, and appears to have possessed some part of his father's talents as a writer. He was deemed sincere and upright, and his private life was not stained by any vice, except violent paroxysms of anger, and an excessive indulgence in wine, then scarcely deemed a fault. "His infirmities," says one of the most zealous adherents of his party, "were passion, in which he would swear like a cutter, and the indulging himself in wine. But his party was that of the Church of England, of whom he had the honour, for many years, to be accounted the head."<sup>a</sup> The impetuosity of his temper concurred with his opinions on government in prompting him to rigorous measures. He disdained the forms and details of business, and it was his maxim to prefer only Tories, without regard to their qualifications for office. "Do you not think," said he to Lord

Rochester.

<sup>a</sup> North, 230.

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Keeper Guildford, "that I could understand any business in England in a month?" "Yes, my lord," answered the Lord Keeper, "but I believe you would understand it better in two months." Even his personal defects and unreasonable maxims were calculated to attach adherents to him as a chief, and he was well qualified to be the leader of a party ready to support all the pretensions of any king who spared the protestant establishment.

Halifax.

Sir George Saville, created Marquis of Halifax by Charles II., claims the attention of the historian rather by his brilliant genius, by the singularity of his character, and by the great part which he acted in the events which preceded and followed, than by his political importance during the short period in which he held office under James. In his youth he appears to have combined the opinions of a republican<sup>a</sup> with the most refined talents of a polished courtier. The fragments of his writing which remain show such poignant and easy wit, such lively sense, so much insight into character, and so delicate an observation of manners, as could hardly have been surpassed by any of his contemporaries at Versailles. His political speculations being soon found incapable of being reduced to practice, melted away in the sunshine of royal favour; the disappointment of visionary hopes led him to despair of great improvements, to despise the moderate services which an individual may render to the community, and to turn with disgust from public principles to the indulgence of his own vanity and ambition.

The dread of his powers of ridicule contributed to force him into office<sup>b</sup>, and the attractions of his lively and somewhat libertine conversation were among the means by which he maintained his ground with Charles II., of whom it was said by Dryden, that "whatever his favourites of state might be, yet those of his affection were men of wit."<sup>c</sup> Though we have no remains of his

<sup>a</sup> "I have long looked upon Lord Halifax and Lord Essex as men who did not love monarchy, such as it is in England." Duke of York to Legges, Letter before cited.

<sup>b</sup> Sir William Temple. *Memoirs*, Part III.

<sup>c</sup> Dedication to King Arthur.



speeches, we cannot doubt the eloquence of him who, on the Bill of Exclusion, fought the battle of the court against so great an orator as Shaftesbury.\* Of these various means of advancement, he availed himself for a time with little scruple and with some success. But he never obtained an importance which bore any proportion to his great abilities; a failure which, in the time of Charles II., may be in part ascribed to the remains of his opinions, but which, from its subsequent recurrence, must be still more imputed to the defects of his character. He had a stronger passion for praise than for power, and loved the display of talent more than the possession of authority. The unbridled exercise of wit exposed him to lasting animosities, and threw a shade of levity over his character. He was too acute in discovering difficulties, too ingenious in devising objections. He had too keen a perception of human weakness and folly not to find many pretexts and temptations for changing his measures and deserting his connections. The subtlety of his genius tempted him to projects too refined to be understood or supported by numerous bodies of men. His appetite for praise, when sated by the admiration of his friends, was too apt to seek a new and more stimulating gratification in the applauses of his opponents. His weaknesses and even his talents contributed to betray him into inconstancy; which, if not the worst quality of a statesman, is the most fatal to his permanent importance. For one short period, indeed, the circumstances of his situation suited the peculiarities of his genius. In the last years of Charles his refined policy found full scope in the arts of balancing factions, of occasionally leaning to the vanquished, and always tempering the triumph of the victorious party

\* " Jotham, of piercing wit and pregnant thought,  
Endued by nature and by learning taught  
To move assemblies; who but only tried  
The worse awhile, then chose the better side;  
Nor chose alone, but turned the balance too."

*Absalom and Achitophel.*

Lord Halifax says, " Mr. Dryden told me that he was offered money to write against me." Fox's MSS. written, I believe, by Lord Halifax.

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by which that monarch then consulted the repose of his declining years. Perhaps he satisfied himself with the reflection, that his compliance with all the evil which was then done was necessary to enable him to save his country from the arbitrary and bigotted faction which was eager to rule it. We know from the evidence of the excellent Tillotson<sup>a</sup>, that Lord Halifax “showed a compassionate concern for Lord Russell, and all the readiness to save him that could be wished;” and that Lord Russell desired Tillotson “to give thanks to Lord Halifax for his humanity and kindness:” and there is some reason to think that his intercession might have been successful, if the delicate honour of Lord Russell had not refused to second their exertions, by softening his language on the lawfulness of resistance,—a shade more than scrupulous sincerity would warrant.<sup>b</sup> He seems unintentionally to have contributed to the death of Sidney<sup>c</sup>, by procuring a sort of confession from Monmouth, in order to reconcile him to his father, and to balance the influence of the Duke of York, by Charles’s partiality for his son. The compliances and refinements of that period pursued him with, perhaps, too just a retribution during the remainder of his life. James was impatient to be rid of him who had checked his influence during the last years of his brother, and the friends of liberty could never place any lasting trust in the man who remained a member of the government which put to death Russell and Sidney.

Godolphin.

The part performed by Lord Godolphin at this time was not so considerable as to require a full account of his character. He was a gentleman of ancient family in Cornwall, distinguished by the accomplishments of some of its members, and by their sufferings in the royal cause during the civil war. He held offices at court

<sup>a</sup> Lords’ Journals, 20th Dec. 1689. The Duchess of Portsmouth said to Lord Montague, “that if others had been as earnest as my Lord Halifax with the King Lord Russell might have been saved.” Fox’s MSS. Other allusions in the MSS., which I ascribe to Lord Halifax, show that his whole fault was a continuance in office after the failure of his efforts to save Lord Russell.

<sup>b</sup> Lord J. Russell’s Life of Lord Russell, 215.

<sup>c</sup> Evidence of Mr. Hampden and Sir James Forbes. Lords’ Journals, 20th Dec. 1689.

before he was employed in the service of the state, and he always retained the wary and conciliating manners, as well as the profuse dissipation of his original school. Though a royalist and a courtier he voted for the Bill of Exclusion. At the accession of James, he was not considered as favourable to absolute dependence on France, nor to the system of governing without parliaments. But though a member of the cabinet, he was, during the whole of this reign, rather a public officer, who confined himself to his own department, than a minister who took a part in the direction of the state.<sup>a</sup> The habit of continuing some officers in place under successive administrations, for the convenience of business, then extended to higher persons than it has usually comprehended in more recent times.

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James had, soon after his accession, introduced into the cabinet Sir George Jeffreys, Lord Chief Justice of England<sup>b</sup>, a person whose office did not usually lead to that station, and whose elevation to unusual honour and trust is characteristic of the government which he served. His origin was obscure, his education scanty, his acquirements no more than what his vigorous understanding gathered in the course of business, his professional practice low, and chiefly obtained from the companions of his vulgar excesses, whom he captivated by that gross buffoonery which accompanied him to the most exalted stations. But his powers of mind were extraordinary; his elocution was flowing and spirited; and, after his highest preferment, in the few instances where he preserved temper and decency, the native vigour of his intellect shone forth in his judgments, and threw a transient dignity over the coarseness of his deportment. He first attracted notice by turbulence in the petty contests of the Corporation of London; and having found a way to court through some of those who ministered to the pleasures of the King, as well as to the more ignominious of his

<sup>a</sup> "Milord Godolphin quoiqu'il est du secret n'a pas grand credit, et songe seulement à se conserver par une conduite sage et modérée. Je ne pense pas que s'il en étoit cru on prit des liaisons avec V. M. qui pussent aller à se passer entièrement du parlement et à rompre nettement avec le Prince d'Orange." Barillon au Roi, 15 Avril, 1685. Fox, App. lviii.

<sup>b</sup> Roger North, 234. (After the Northern Circuit, 1684; in our computation, 1685.)

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political intrigues, he made his value known by contributing to destroy the charter of the capital of which he had been the chief law officer. His services as a counsel in the trial of Russell, and as a judge in that of Sidney, proved still more acceptable to his masters. On the former occasion, he caused a person who had collected evidence for the defence to be turned out of court, for making private suggestions, probably important to the ends of justice, to Lady Russell, while she was engaged in her affecting duty.<sup>a</sup> The same brutal insolence shown in the trial of Sidney, was, perhaps, thought the more worthy of reward, because it was foiled by the calm heroism of that great man. The union of a powerful understanding with boisterous violence and the basest subserviency singularly fitted him to be the tool of a tyrant. He wanted, indeed, the aid of hypocrisy, but he was free from its restraints. He had that reputation for boldness which many men preserve, as long as they are personally safe, by violence in their counsels and in their language. If he at last feared danger, he never feared shame, which much more frequently restrains the powerful. Perhaps the unbridled fury of his temper enabled him to threaten and intimidate with more effect than a man of equal wickedness, with a cooler character. His religion, which seems to have consisted in hatred to Nonconformists, did not hinder him from profaneness: his native fierceness was daily inflamed by debauchery; his excesses were too gross and outrageous for the decency of historical relation<sup>b</sup>, and his court was a continual scene of scurrilous invective, from which none were exempted but his superiors.

A contemporary, of amiable disposition and Tory principles, who knew him well, sums up his character in few words—"he was by nature cruel, and a slave of the court."<sup>c</sup>

<sup>a</sup> Examination of John Tisard. Lords' Journals, 20th Dec. 1690.

<sup>b</sup> See the account of his behaviour at a ball in the city, soon after Sidney's condemnation. Evelyn, i. 531.; and the dinner at Duncombe's, a rich citizen, where the Lord Chancellor (Jeffreys) and the Lord Treasurer (Rochester) were with difficulty prevented from appearing naked in a balcony, to drink loyal toasts (Reresby, 231.), and of his "flaming" drunkenness at the privy council, when the King was present. Roger North, 250.

<sup>c</sup> Evelyn, i. 579.

It was after the defeat of Monmouth that James gave free scope to his policy, and began that system of measures which characterises his reign. CHAP. I.  
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Though Feversham was, in the common intercourse of life, a good-natured man, his victory at Sedgemoor was immediately followed by some of those acts of military license which usually disgrace the suppression of a revolt, when there is no longer any dread of retaliation ; when the conqueror sees a rebel in every inhabitant, and considers destruction by the sword as only anticipating legal execution, and when he is generally well assured, if not positively instructed, that he can do nothing more acceptable to his superiors than to spread a deep impression of terror through a disaffected province. A thousand were slain in a pursuit of a small body of insurgents for a few miles. Feversham marched into Bridgewater on the morning after the battle, with a considerable number tied together like slaves, of whom twenty-two were hanged by his orders on a sign-post by the road side, and on gibbets which he caused to be erected for the occasion. One of them was a wounded officer, named Adlam, who was already in the agonies of death. Four were hanged in chains, with a deliberate imitation of the barbarities of regular law ; and one miserable wretch, to whom life had been promised on condition of his keeping pace for half a mile with a horse at full speed (to whom he was fastened by a rope which went round his neck and that of the horse), was executed in spite of his performance of the feat. Feversham was proceeding thus towards disarmed enemies, to whom he had granted quarter, when Ken, the Bishop of the diocese, a zealous royalist, had the courage to rush into the midst of this military execution, calling out, " My Lord, this is murder in law. These poor wretches, now the battle is over, must be tried before they can be put to death."<sup>a</sup>

Conduct of  
the royal  
army after  
the victory  
at Sedgemoor, July,  
1685.

The interposition of this excellent prelate, however, only suspended the cruelties of the conquerors. Feversham was called to

<sup>a</sup> For the principal part of the enormities of Feversham, we have the singular advantage of the testimony of two eye-witnesses,—an officer in the royal army, Kennett, iii. 432., and Oldmixon, i. 704. Locke's Western Rebellion.

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Kirke.

court to receive the thanks and honours due to his services. Kirke, whom he was directed<sup>a</sup> to leave with detachments at Bridgewater and Taunton, imitated, if he did not surpass, the lawless violence of his commander. When he entered the latter town, on the third day after the battle, he put to death at least nine of his prisoners, with so little sense of impropriety or dread of disapprobation, that they were entered by name as executed for high treason in the parish register of their interment.<sup>b</sup> Of the other excesses of Kirke we have no satisfactory account. The experience of like cases, however, renders the tradition not improbable, that these acts of lawless violence were accompanied by the insults and mockeries of military debauchery. The nature of the service in which the detachment was principally engaged, required more than common virtue in a commander to contain the passions of the soldiery. It was his principal duty to search for rebels. He was urged to the performance of this odious task by malicious or mercenary informers. The friendship, or compassion, or political zeal of the inhabitants, was active in favouring escapes, so that a constant and cruel struggle subsisted between the soldiers and the people abetting the fugitives.<sup>c</sup> Kirke's regiment, when in garrison at Tangier, had had the figure of a lamb painted on their colours as a badge of their warfare against the enemies of the Christian name. The people of Somersetshire, when they saw those who thus bore the symbols of meekness and benevolence engaged in the performance of such a task, vented the bitterness of their hearts against the soldiers, by giving them the ironical name of Kirke's Lambs.<sup>d</sup> The unspeakable atrocity imputed to him, of putting to death a person whose life he had

<sup>a</sup> Lord Sunderland's letter to Lord Feversham, 8th July, 1685. State Paper Office.

<sup>b</sup> Savage's edition of Toulmin's Taunton, p. 522., where, after a period of near 140 years, the authentic evidence of this fact is for the first time published, together with other important particulars of Monmouth's revolt, and of the military and judicial cruelties which followed it. These nine are by some writers swelled to nineteen, probably from confounding them with that number executed at Taunton by virtue of Jeffreys's judgments. The number of ninety mentioned on this occasion by others seems to be altogether an exaggeration.

<sup>c</sup> Col. Kirke to Lord Sunderland. Taunton, 12th Aug. 1685. State Paper Office.

<sup>d</sup> Savage.

promised to a young woman, as the price of compliance with his desires, it is due to the honour of human nature to disbelieve, until more satisfactory evidence be produced than that on which it has hitherto rested.<sup>a</sup> He followed the example of ministers and magistrates in selling pardons to the prisoners in his district, which, though as illegal as his executions, enabled many to escape from the barbarities which were to come.<sup>b</sup> Base as this traffic was, it would naturally lead him to threaten more evil than he inflicted. It deserves to be remarked, that, five years after his command at Taunton, the inhabitants of that place gave an entertainment, at the public expense, to celebrate his success.<sup>c</sup> This fact seems to countenance a suspicion that we ought to attribute more to the nature of the service in which he was engaged than to any pre-eminence in criminality, the peculiar odium which has fallen on his name, to the exclusion of other officers, whose excesses appear to have been greater, and are certainly more satisfactorily attested. But whatever opinion may be formed of the degree of Kirke's guilt, it is certain that he was rather countenanced than discouraged by the government. His illegal executions were early notorious in London.<sup>d</sup> The good Bishop Ken, who then corresponded with the King himself, on the sufferings of his diocese<sup>e</sup>, could not fail to remonstrate against those excesses, which he had so generously interposed to prevent ; and if the accounts of the remonstrances of Lord Keeper Guilford, against

<sup>a</sup> This story is told neither by Oldmixon nor Burnet, nor by the humble writers of the "Bloody Assizes," nor the "Quadriennium Jacobi," 1689. Echard and Kennet, who wrote long after, mention it only as a report. It first appeared in print in 1699, in Pomfret's poem of "Cruelty and Lust." The next is in the anonymous Life of William III. 1702. A story very similar is told by St. Augustine, of a Roman officer ; and in the "Spectator," No. 491., of a governor of Zealand, probably from a Dutch chronicle or legend. The scene is laid by some at Taunton, by others at Exeter. The person executed is said by some to be the father, by others to be the husband, and by a third sort to be the brother of the unhappy young woman, whose name it has been found impossible to ascertain, or even plausibly to conjecture. The tradition, which is still said to prevail at Taunton, may well have originated in a publication of 120 years old.

<sup>b</sup> Oldmixon.

<sup>c</sup> Savage.

<sup>d</sup> Narcissus Luttrell, Diary, 15th July ; six days after their occurrence.

<sup>e</sup> Ken's examination before the Privy Council, 1696. Biographia Britannica.

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the excesses of the west, have any foundation<sup>a</sup>, they must have related exclusively to the enormities of the soldiery, for the Lord Keeper died at the very opening of Jeffreys's circuit. Yet, with this knowledge, Lord Sunderland instructed Kirke "to secure such of his prisoners as had not been executed, in order to trial<sup>b</sup>," at a time when there had been no legal proceedings, and when all the executions to which he adverts, without disapprobation, must have been contrary to law. Seven days after, Sunderland informed Kirke that his letter had been communicated to the King, "who was very well satisfied with the proceedings."<sup>c</sup> In subsequent despatches<sup>d</sup>, he censures Kirke for setting some rebels at liberty (alluding, doubtless, to those who had purchased their lives); but he does not censure that officer for having put others to death. Were it not for these proofs that the King knew the acts of Kirke, and that his government officially sanctioned them, no credit would be due to the declarations afterwards made by such a man, that his severities fell short of the orders which he had received.<sup>e</sup> Nor is this the only circumstance which connects the government with these enormities. On the 10th of August, Kirke was ordered to come to court to give information on the state of the west. His regiment wasso on afterwards removed, and he does not appear to have been employed in the west during the remainder of that season.<sup>f</sup>

Colonel Trelawney succeeded; but so little was Kirke's conduct thought to be blamable, that on the 1st of September three persons were executed illegally at Taunton for rebellion, the nature and reason of their death being openly avowed in the register of their interment.<sup>g</sup> In military executions, however atrocious,

<sup>a</sup> Roger North, 260. This inaccurate writer refers the complaint to Jeffries's proceedings, which is impossible, since Lord Guilford died in Oxfordshire, on the 5th September, after a long illness. Lady Lisle was executed on the 3d; and her execution, the only one which preceded the death of the Lord Keeper, could scarcely have reached him in his dying moments.

<sup>b</sup> Lord Sunderland to Kirke, 14th July, 1685. State Paper Office.

<sup>c</sup> 21st July. Ibid.

<sup>d</sup> 25th and 28th July, and 3d August. Ibid.

<sup>e</sup> Oldmixon, i. 705.

<sup>f</sup> Papers in the War Office. MS.

<sup>g</sup> Savage, 525. Register of Parish of St. Mary Magdalen:—"1 Sept., three rebels executed."



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some allowance must be made for the passions of an exasperated soldiery, and for the habits of officers accustomed to summary and irregular acts, who have not been taught by experience that the ends of justice cannot be attained otherwise than by the observance of the rules of law.<sup>a</sup> The lawless violence of an army forms no precedent for the ordinary administration of public affairs, and the historian is bound to relate with diffidence events which are generally attended with confusion and obscurity, which are exaggerated by the just resentment of an oppressed party, and where we can seldom be guided by the authentic evidence of records. Neither the conduct of a government which approves these excesses, however, nor that of judges who imitate or surpass them, allows such extenuations or requires such caution in relating and characterising facts. The judicial proceedings which immediately followed these military atrocities may be related with more confidence, and must be treated with the utmost rigour of historical justice.

The commencement of proceedings on the western circuit, which comprehends the whole scene of Monmouth's operations, was postponed till the other assizes were concluded, in order that four judges, who were joined with Jeffreys in the commission, might be at liberty to attend him.<sup>b</sup> An order was also issued to all officers in the west, "to furnish such parties of horse and foot, as might be required by the Lord Chief Justice on his circuit, for securing prisoners, and to perform that service in such manner as he should direct."<sup>c</sup> After these unusual and alarming preparations,

Judicial proceedings in the west. August, September.

<sup>a</sup> Two years after the suppression of the western revolt, we find Kirke treated with favour by the King. Colonel Kirke is made housekeeper of Whitehall, in the room of his *kinsman*, deceased. *Narc. Lutt.*, Sept. 1687. He was nearly related to, or perhaps the son of, George Kirke, groom of the bedchamber to Charles I., one of whose beautiful daughters, Mary, a maid of honour, was the Warmestre of Count Hamilton, (*Notes to Mem. de Gramm. London, 1793,*) and the other, Diana, was the wife of the last Earl of Oxford, of the house of De Vere. *Dugd. Baron. tit. Oxford.*

<sup>b</sup> Lord Chief Baron Montague, Levison, Watkins, and Wright, of whom the three former sat on the subsequent trials of Mr. Cornish and Mrs. Gaunt.

<sup>c</sup> This order was dated on the 24th August, 1685. Papers in War Office. From this circumstance originated the story, that Jeffreys had a commission as Commander-in-Chief in the west.

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Trial of  
Mrs. Lisle.

Jeffreys began his circuit at Winchester, on the 27th of August, by the trial of Mrs. Alicia Lisle, who was charged with having sheltered in her house, for one night, two fugitives from Monmouth's routed army, an offence of humanity which then was and still is treated as high treason by the law of England. This lady, though unaided by counsel, so deaf that she could very imperfectly hear the evidence, and occasionally overpowered by those lethargic slumbers which are incident to advanced age, defended herself with a coolness which formed a striking contrast to the deportment of her judge.\* The principal witness, a man who had been sent to her to implore shelter for one Hickes, and who guided him and Nelthorpe to her house, betrayed a natural repugnance to disclose facts likely to affect a life which he had innocently contributed to endanger. Jeffreys, at the suggestion of the counsel for the crown, took upon himself the examination of this unwilling witness, and conducted it with an union of artifice, menace, and invective, which no well-regulated tribunal would suffer in the advocate of a prisoner, when examining the witness produced by the accuser. With solemn appeals to Heaven for his own pure intentions, he began in the language of candour and gentleness to adjure the witness to discover all that he knew. His nature, however, often threw off this disguise, and broke out into the ribaldry and scurrility of his accustomed style. The Judge and three counsel poured in questions upon the poor rustic in rapid succession. Jeffreys said that he treasured up vengeance for such men, and added, "It is infinite mercy that for those falsehoods of thine, God does not immediately strike thee into Hell." Wearied, overawed, and overwhelmed by such an examination, the witness at length admitted some facts which afforded reason to suspect, rather than to believe, that the unfortunate lady knew the men whom she succoured to be fugitives from Monmouth's army. She said in her defence, that she knew Mr. Hickes to be a Presbyterian minister, and thought he absconded because there were warrants out against him on that account. All the precautions

\* Howell's State Trials, xi. 298.

for concealment which were urged as proofs of her intentional breach of law were reconcilable with this defence. Orders had been issued at the beginning of the revolt to seize all "disaffected and suspicious persons, especially all nonconformist ministers"; and Jeffreys himself unwittingly strengthened her case by declaring his conviction, that all Presbyterians had a hand in the rebellion. He did not go through the formality of repeating so probable a defence to the jury. They however hesitated. They asked the Chief Justice, whether it were as much treason to receive Hickes before as after conviction? He told them that it was, which was literally true; but he wilfully concealed from them that by the law, such as it was, the receiver of a traitor could not be brought to trial till the principal traitor had been convicted or outlawed: a provision, indeed, so manifestly necessary to justice, that without the observance of it Hickes might be acquitted of treason after Mrs. Lisle had been executed for harbouring him as a traitor.<sup>b</sup> Four judges looked silently on this suppression of truth, which produced the same effect with positive falsehood, and allowed the limits of a barbarous law to be overpassed, in order to destroy an aged woman for an act of charity. The jury retired, and remained so long in deliberation, as to provoke the wrath of the Chief Justice. When they returned into court, they expressed their doubt, whether the prisoner knew that Hickes had been in Monmouth's army. The Chief Justice assured them that the proof was complete. Three times they repeated their doubt. The Chief Justice as often reiterated his declaration with growing impatience and rage. At this critical moment of the last appeal of the jury to the court, the defenceless female at the bar made an effort to speak. Jeffreys, taking advantage of formalities, instantly silenced her, and the jury were at length overawed into a verdict of guilty. He then broke out into a needless insult to the strongest affections of nature, saying to the jury, "Gentlemen, had

<sup>a</sup> Despatches from Lord Sunderland to all Lord-lieutenants of Counties. 20th June, 1685.

<sup>b</sup> Hale's Pleas of the Crown, part i. c. 22. Foster's Discourse on Accomplices, c. 1.

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I been among you, and if she had been my own mother, I should have found her guilty." On the next morning, when he had to pronounce sentence of death, he could not even then abstain from invectives against Presbyterians, of whom he supposed Mrs. Lisle to be one; yet mixing artifice with his fury, he tried to lure her into discoveries, by ambiguous phrases, which might excite her hopes of life without pledging him to obtain pardon. He directed that she should be burnt alive in the afternoon of the same day; but the clergy of the cathedral of Winchester successfully interceded for an interval of three days. This interval gave time for an application to the King, and that application was made by persons, and with circumstances, which must have strongly called his attention to the case. Mrs. Lisle was the widow of Mr. Lisle, who was one of the Judges of Charles the First; and this circumstance, which excited a prejudice against her, served in its consequences to show that she had powerful claims on the lenity of the King. Lady St. John and Lady Abergavenny wrote a letter to Lord Clarendon, then Privy Seal, which he read to the King, bearing testimony, "that she had been a favourer of the King's friends in their greatest extremities during the late civil war," among others, of these ladies themselves; and on these grounds, as well as for her general loyalty, earnestly recommending her to pardon. Her son had served in the King's army against Monmouth; she often had declared that she shed more tears than any woman in England on the day of the death of Charles the First, and after the attainder of Mr. Lisle, his estate was granted to her at the intercession of Lord Chancellor Clarendon, for her excellent conduct during the prevalence of her husband's party. Lord Feversham, also, who had been promised a thousand pounds for her pardon, used his influence to obtain it: but the King declared that he would not reprieve her for one day. It is said, that he endeavoured to justify himself, by alleging a promise to Jeffreys that Mrs. Lisle should not be spared; a fact which, if true, shows the conduct of James to have been as deliberate as it seems

to be, and that the severities of the circuit arose from a previous concert between him and Jeffreys.

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On the following day the case was again brought before him by a petition from Mrs. Lisle, praying that her punishment might be changed into beheading, in consideration of her ancient and honourable descent. After a careful search for precedents, the mind of James was once more called to the fate of Mrs. Lisle by the signature of a warrant to authorise the infliction of the mitigated punishment. This venerable matron accordingly suffered death on the 2d of September, supported by that piety which had been the guide of her life. Her understanding was so undisturbed, that she clearly instanced the points in which she had been wronged. No resentment troubled the composure of her dying moments, and she carried her religious principles of allegiance and forgiveness so far, as to pray on the scaffold for the prosperity of a prince from whom she had experienced neither mercy, gratitude, nor justice.

The trial of Mrs. Lisle is a sufficient specimen of the proceedings of this circuit. When such was the conduct of the judges in a single trial of a lady of distinction for such an offence, with a jury not regardless of justice, where there was full leisure for the consideration of every question of fact and law, and where every circumstance was made known to the government and the public, it is easy to imagine what the demeanour of the same tribunal must have been in the trials of several hundred insurgents of humble condition, crowded into so short a time that the wisest and most upright judges could hardly have distinguished the innocent from the guilty.\*

\* By the favour of the clerk of assize, I have before me many of the original records of this circuit. The account of it by Lord Lonsdale was written in 1688. The "Bloody Assizes" and the "Life of Jeffreys" were published in 1689. They were written by one Shirley, a compiler, and by Pitta, a surgeon in Monmouth's army. Six thousand copies of the latter were sold. (Life of John Dunton, i. 184.) Roger Coke, a contemporary, and Oldmixon, almost an eye-witness, vouch for their general fairness; and I have found an unexpected degree of coincidence between them and the circuit records. Burnet came to reside at Salisbury in 1689, and he and Kennett began to relate the facts about seventeen years after they occurred. Father Orleans, and the writer of James's life, admit the cruelties, while they

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As the movements of Monmouth's army had been confined to Dorset and Somerset, the acts of high treason were almost entirely committed there, and the prisoners apprehended elsewhere were therefore removed for trial to these counties.<sup>a</sup> That unfortunate district was already filled with dismay and horror by the barbarities of the troops; the roads leading to its principal towns were covered with prisoners under military guards, the display and menace of warlike power were most conspicuous in the retinue of insolent soldiers and trembling culprits who followed the march of the judges, forming a melancholy contrast to the parental confidence which was wont to pervade the administration of the unarmed laws of a free people. Three hundred and twenty prisoners were arraigned at Dorchester, of whom thirty-five pleaded not guilty, and on their trial five were acquitted and thirty were convicted. The Chief Justice caused some intimation to be conveyed to the prisoners that confession was the only road to mercy; and to strengthen the effect of this hint, he sent twenty-nine of the persons convicted to immediate execution, though one of them at least was so innocent that had there been time to examine his case, he might even then have been pardoned.<sup>b</sup> The intimation illustrated by such a commentary produced the intended effect. Two hundred and eight at once confessed.<sup>c</sup> Eighty persons were, according to contemporary accounts, executed at Dorchester; and though the records state only the execution of fifty, yet as they contain no entry of judgment in two hundred and fifty cases, their silence affords no presumption against the common accounts.

The correspondence of Jeffreys with the King and the minister appears to have begun at Dorchester. From that place he wrote

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vainly strive to exculpate the King from any share in them. From a comparison of those original authorities, and from the correspondence, hitherto unknown, in the State Paper Office, the narrative of the text has been formed.

<sup>a</sup> There were removed to Dorchester 94 from Somerset, 89 from Devon, 55 from Wilts, and 23 from London. Circuit Records.

<sup>b</sup> Bragg, an attorney. Bloody Assizes. Locke, Western Rebellion.

<sup>c</sup> Calendar for Dorsetshire summer assizes, 1685.

on the 8th of September, in terms of enthusiastic gratitude to Sunderland, to return thanks for the Great Seal.<sup>a</sup> Two days afterwards he informed Sunderland, that though "tortured by the stone," he had that day "despatched ninety-eight rebels."<sup>b</sup> Sunderland assured him in answer, that the King approved all his proceedings, of which very minute accounts appear to have been constantly transmitted by Jeffreys directly to the King himself.<sup>c</sup> In the county of Somerset more than a thousand prisoners were arraigned for treason at Taunton and Wells, of whom only six ventured to put themselves on their trial by pleading not guilty. A thousand and forty confessed themselves to be guilty; a proportion of confessions so little corresponding to the common chances of precipitate arrests, of malicious or mistaken charges, and of escapes on trial, all which were multiplied in such violent and hurried proceedings, as clearly to show that the measures of the circuit had already extinguished all expectation that the Judges would observe the rules of justice. Submission afforded some chance of escape. From trial the most innocent could no longer have any hope. Only six days were allowed in this county to find indictments against a thousand prisoners, to arraign them, to try the few who still ventured to appeal to law, to record the confessions of the rest, and to examine the circumstances which ought, in each case, to aggravate or extenuate the punishment. The names of two hundred and thirty-nine persons executed there are preserved.<sup>d</sup> But as no judgments are entered<sup>e</sup>, we do not know how many more may have suffered. In order to diffuse terror more widely, these executions were directed to take place in thirty-six towns and villages. Three were executed in the village of Wrington, the birthplace of Mr. Locke, whose writings were one day to lessen

<sup>a</sup> The Great Seal had only been vacant three days, as Lord Keeper Guilford died at his seat at Wroxtton, on the 5th Sept.

<sup>b</sup> Jeffreys to Sunderland, 8th and 10th Sept. 1685. State Paper Office.

<sup>c</sup> Sunderland to Jeffreys. Windsor, 14th Sept. 1684.

<sup>d</sup> Life and Death of George Lord Jeffreys. 1689.

<sup>e</sup> Circuit Records.

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the misery suffered by mankind from cruel laws and unjust judges. The general consternation spread by these proceedings have prevented a particular account of many of the cases from reaching us. In some of those more conspicuous instances which have been preserved, we see what so great a body of obnoxious culprits must have suffered in narrow and noisome prisons, where they were often destitute of the common necessities of life, before a judge whose native rage and insolence were stimulated by daily intoxication, and inflamed by the agonies of an excruciating distemper, from the brutality of soldiers, and the cruelty of slavish or bigoted magistrates; while one part of their neighbours were hardened against them by faction, and the other deterred from relieving them by fear. The ordinary executioners, unequal to so extensive a slaughter, were aided by novices, whose unskilfulness aggravated the horrors of that death of torture which was then the legal punishment of high treason. Their lifeless remains were treated with those indignities and outrages which still<sup>a</sup> continue to disgrace the laws of a civilised age. They were beheaded and quartered, and the heads and limbs of the dead were directed to be placed on court-houses, and in all conspicuous elevations in streets, high roads, and churches. The country was filled with the dreadful preparations necessary to fit these inanimate members for such an exhibition, and the roads were covered by vehicles conveying them to great distances in every direction.<sup>b</sup> There was not a hamlet in which the poor inhabitants were not doomed hourly to look on the mangled remains of a neighbour or a relation. "All the high roads of the country were no longer to be travelled, while the horrors of so many quarters of men and the offensive stench of them lasted."<sup>c</sup>

<sup>a</sup> [1822.]

<sup>b</sup> "Nothing could be liker hell than these parts: caldrons hissing, carcasses boiling, pitch and tar sparkling and glowing, bloody limbs boiling, and tearing, and mangling." *Bloody Assizes*, 3d ed. 140. "England is now an aceldama. The country, for sixty miles, from Bristol to Exeter, had a new terrible sort of sign-posts, gibbets, heads and quarters of its slaughtered inhabitants." *Oldmixon*, i. 707. An eye-witness.

<sup>c</sup> Lord Lonsdale's *Memoirs*, 13., who confirms the testimony of the two former more ardent partisans, both of whom, however, were eye-witnesses.



While one of the most fertile and cheerful provinces of England was thus turned into a scene of horror by the mangled remains of the dead, the towns resounded with the cries, and the streets streamed with the blood of men, and even women and children, who were cruelly whipped for real or pretended sedition. The case of John Tutchin\*, afterwards a noted political writer, is a specimen of these minor cruelties. He was tried at Dorchester, under the assumed name of Thomas Pitts, for having said that Hampshire was up in arms for the Duke of Monmouth; and, on his conviction, was sentenced to be whipped through every market town in the county for seven years. The females in court burst into tears, and even one of the officers of the court ventured to observe to the Chief Justice, that the culprit was very young, and that the sentence would reach to once a fortnight for seven years. These symptoms of pity exposed the prisoner to new brutality from his judge. Tutchins is said to have petitioned the King for the more lenient punishment of the gallows. He was seized with the small-pox in prison; and, whether from unwonted compassion, or from the misnomer in the indictment, he appears to have escaped the greater part of the barbarous punishment to which he was doomed.

These dreadful scenes are relieved by some examples of generous virtue in individuals of the victorious party. Harte, a clergyman of Taunton, following the excellent example of the Bishop, interceded for some of the prisoners with Jeffreys in the full career of cruelty. The intercession was not successful; but it compelled Jeffreys to honour the humanity to which he did not yield, for he soon after preferred Harte to be a prebendary of Bristol. Both Ken and Harte, who were probably at the moment charged with disaffection, sacrificed at a subsequent period their preferments, rather than violate the allegiance which they thought still to be due to the King; while Mew, Bishop of Winchester, who was on the field of battle at Sedgmoor, and who ordered that his coach-

\* Savage, 509. Locke's Western Rebellion, 21. Dorchester Calendar, Autumn assizes, 1685.

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horses should drag forward the artillery of the royal army, preserved his rich bishopric by compliance with the government of King William, although founded on the deposition of a monarch for whom, while fortune smiled, the prudent prelate had shown such forward and unbecoming zeal. The army of Monmouth also afforded instructive proofs, that the most furious zealots are not always the most consistent adherents. Ferguson and Hooke, two presbyterian clergymen in that army, passed most of their subsequent lives in Jacobite intrigues, either from incorrigible habits of conspiracy, or from resentment at the supposed ingratitude of their own party, or from the inconstancy natural to men of unbridled passions and distempered minds.

Daniel De Foe, one of the most original writers of the English nation, served in the army of Monmouth; but we do not know the particulars of his escape. A great satirist had afterwards the baseness to reproach both Tutchins and De Foe with sufferings, which were dishonourable only to those who inflicted them.\*

In the mean time, peculiar circumstances rendered the correspondence of Jeffreys in Somersetshire with the King and his minister more specific and confidential than it had been in the preceding parts of the circuit. Lord Sunderland had apprised Jeffreys of the King's pleasure to bestow a thousand convicts on several courtiers, and one hundred on a favourite of the Queen<sup>b</sup>, on these persons finding security that the prisoners should be enslaved for ten years in some West India island; a limitation intended, perhaps, only to deprive the convicts of the sympathy of the puritan colonists of New England, but which, in effect, doomed them to a miserable and lingering death in a climate where field-labour is fatal to Europeans. Jeffreys, in his letter to the King, remonstrates against this disposal of the prisoners; who, he says,

\* "Earless on high stood unabashed De Foe,  
And Tutchins flagrant from the scourge below."

<sup>b</sup> Sunderland to Jeffreys, 14th and 15th Sept. 1685. State Paper Office. 200 to Sir Robert White, 200 to Sir William Booth, 100 to Sir C. Musgrave, 100 to Sir W. Stapleton, 100 to J. Kendall, 100 to — Triphol, 100 to a merchant. "The Queen has asked 100 more of the rebels."

would be worth ten or fifteen pounds a-piece<sup>a</sup>; and, at the same time, returns thanks for his Majesty's gracious acceptance of his services. In a subsequent letter from Bristol<sup>b</sup>, he yields to the distribution of the convicts; boasts of his victory over that most factious city, where he had committed the mayor and an alderman, under pretence of their selling to the plantations men whom they had unjustly convicted with a view to such a sale; and pledged himself "that Taunton, and Bristol, and the county of Somerset, should know their duty both to God and their King before he leaves them." He entreated the King not to be surprised into pardons.

James, being thus regularly apprised of the most minute particulars of Jeffreys's proceedings, was accustomed to speak of them to the foreign ministers under the name of "Jeffreys's campaign."<sup>c</sup> He amused himself with horse-races at Winchester, the scene of the recent execution of Mrs. Lisle, during the hottest part of Jeffreys's operations.<sup>d</sup> He was so fond of the phrase of "Jeffreys's campaign," as to use it twice in his correspondence with the Prince of Orange; and, on the latter occasion, in a tone of exultation approaching to defiance.<sup>e</sup> The excellent Ken had written to him a letter of expostulation on the subject.<sup>f</sup> On the 30th of September, on Jeffreys's return to court, his promotion to the office of Lord Chancellor was announced in the Gazette, with a panegyric on his services very unusual in the cold formalities of official appointment. Had James been dissatisfied with the conduct of Jeffreys, he had the means of repairing some part of its consequences, for the executions in Somersetshire were not concluded before the latter part of November; and among the persons who suffered in October was Mr. Hickes, a Non-conformist clergyman, for whom his brother, the learned Dr. Hickes, afterwards a

Behaviour of  
the King.

<sup>a</sup> Jeffreys to the King. Taunton, 19th Sept. MS. State Paper Office.

<sup>b</sup> Jeffreys to Lord Sunderland. Bristol, 22d Sept. MS. Ibid.

<sup>c</sup> Burnet, i. 648.

<sup>d</sup> 14th to 18th Sept. London Gazettes.

<sup>e</sup> The King to the Prince of Orange, 10th and 24th Sept. App. to Dalrymple.

<sup>f</sup> Lord Lonsdale.

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sufferer in the cause of James, sued in vain for pardon.<sup>a</sup> Some months after<sup>b</sup>, when Jeffreys had brought on a fit of dangerous illness by one of his furious debauches, the King expressed great concern, and declared that the loss could not be easily repaired.

The public acts and personal demeanour of the King himself agreed too well with the general character of these judicial severities. An old officer, named Holmes, who was taken in Monmouth's army, being brought up to London, was admitted to an interview with the King, who offered to spare his life if he would promise to live quietly. He answered, that his principles had been and still were "republican," believing that form of government to be the best; that he was an old man, whose life was as little worth asking as it was worth giving: an answer which so displeased the King, that Holmes was removed to Dorchester, where he suffered death with fortitude and piety.<sup>c</sup>

The proceedings on the circuit seem, indeed, to have been so exclusively directed by the King and the Chief Justice, that even Lord Sunderland, powerful as he was, could not obtain the pardon of one delinquent. Yet the case was favourable, and it deserves to be shortly related, as characteristic of the times. Lord Sunderland interceded repeatedly<sup>d</sup> with Jeffreys for a youth named William Jenkins, who was executed<sup>e</sup> in spite of such powerful

<sup>a</sup> The Père d'Orleans, who wrote under the eye of James, in 1695, mentions the displeasure of the King at the sale of pardons, and seems to refer to Lord Sunderland's letter to Kirke, who, we know from Oldmixon, was guilty of that practice; and, in other respects, rather attempts to account for, than to deny, the acquiescence of the King in the cruelties. *Révolutions d'Angleterre*, liv. xi. The testimony of Roger North, if it has any foundation, cannot be applied to this part of the subject. That part of the *Life of James II.* which relates to it is the work only of the anonymous biographer, Mr. Dicconson of Lancashire, and abounds with the grossest mistakes. The assertion of Sheffield, Duke of Buckingham in the "Account of the Revolution," that Jeffreys disobeyed James's orders, is disproved by the correspondence already quoted. There is, on the whole, no colour for the assertion of Macpherson, i. 453. or for the doubts of Dalrymple.

<sup>b</sup> Baril. au Roi, 4-14 Feb. 1686. Fox MSS. i. 106.

<sup>c</sup> Lord Lonsdale's Memoir, 12. Calendar for Dorsetshire, Bloody Assizes. The account of Col. Holmes by the anonymous biographer (*Life*, ii. 43.) is contradicted by all these authorities. It is utterly improbable, and is not more honourable to James than that here adopted.

<sup>d</sup> Lord Sunderland to Lord Jeffreys, 12th Sept. 1685. State Paper Office.

<sup>e</sup> At Taunton, 30th Sept. Locke's *Western Rebellion*, p. 2.

solicitations. He was the son of an eminent Non-conformist clergyman, who had recently died in Newgate after a long imprisonment, inflicted on him for the performance of his clerical duties. Young Jenkins distributed mourning rings, on which was inscribed, "William Jenkins, murdered in Newgate." He was in consequence imprisoned in the gaol of Ilchester; and, being released by Monmouth's army, he joined his deliverers against his oppressors.

Vain attempts have been made to exculpate James, by throwing part of the blame of these atrocities upon Pollexfen, an eminent Whig lawyer, who was leading counsel in the prosecution<sup>a</sup>; a wretched employment, which he probably owed, as a matter of course, to his rank as senior King's counsel on the circuit. His silent acquiescence in the illegal proceedings against Mrs. Lisle must, indeed, brand his memory with indelible infamy. But, from the King's perfect knowledge of the circumstances of that case, it seems to be evident that Pollexfen's interposition would have been unavailing: and the subsequent proceedings were carried on with such utter disregard of the forms, as well as the substance of justice, that counsel had probably no duty to perform, and no opportunity to interfere.

To these facts may be added, what, without such preliminary evidence, would have been of little weight, the dying declaration of Jeffreys himself, who, a few moments before he expired, said to Dr. Scott, an eminent divine who attended him in the Tower, "Whatever I did then I did by express orders; and I have this farther to say for myself, that I was not half bloody enough for him who sent me thither."<sup>b</sup>

Other trials occurred under the eye of James in London, where, according to an ancient and humane usage, no sentence of death is executed till the case be laid before the King in person, that he

*Trials in  
London.*

<sup>a</sup> Life of James II., vol. ii. p. 44, 45.

<sup>b</sup> Speaker Onslow's Note on Burnet. Burn. iii. 61. Oxford ed. 1823. Onslow received this information from Sir J. Jekyll, who heard it from Lord Somers, to whom it was communicated by Dr. Scott. The account of Tutchin, who stated that Jeffreys had made the same declaration to him in the Tower, is thus confirmed by indisputable evidence.

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may determine whether there be any room for mercy. Mr. Cornish, an eminent merchant, charged with a share in the Rye House plot, was apprehended, tried, and executed within the space of ten days; the Court having refused him the time which he alleged to be necessary to bring up a material witness.<sup>a</sup> Colonel Rumsey, the principal witness for the crown, owned that on the trial of Lord Russell he had given evidence which directly contradicted his testimony against Cornish. This avowal of perjury did not hinder the conviction and execution. But the scandal was so great, that James was obliged, in a few days, to make a tardy reparation for the precipitate injustice of his judges. The mutilated limbs of Cornish were restored to his relations, and Rumsey was confined for life to St. Nicholas's Island, at Plymouth<sup>b</sup>; a place of illegal imprisonment, still kept up in defiance of the Habeas Corpus Act. This virtual acknowledgment by the King of the falsehood of Rumsey's testimony assumes an importance in history, when it is considered as a proof of the perjury of one of the two witnesses against Lord Russell, the man of most unspotted virtue who ever suffered on an English scaffold.

Of Mrs.  
Gaunt and  
others.

Ring, Fernley, and Elizabeth Gaunt, persons of humble condition in life, were tried on the same day with Cornish, for harbouring some fugitives from Monmouth's army. One of the persons to whom Ring afforded shelter was his near kinsman. Fernley was convicted on the sole evidence of Burton, whom he concealed from the search of the public officers. When a witness was about to be examined for Fernley, the Court allowed one of their own officers to cry out that the witness was a Whig; while one of the judges, still more conversant with the shades of party, sneered at another of his witnesses as a trimmer. When Burton was charged with being an accomplice in the Rye House plot, Mrs. Gaunt received him, supplied him with money, and procured him a passage to Holland. After the defeat of Monmouth, with whom he returned, he took refuge in the house of Fernley, where Mrs.

<sup>a</sup> State Trials, xi. 382.

<sup>b</sup> Narcissus Luttrell, 19th April, 1686.

Gaunt visited him, again supplied him with money, and undertook a second time to save his life, by procuring the means of his again escaping into Holland. When Burton was apprehended, the prosecutors had their choice, if a victim were necessary, either of proceeding against Burton, whom they charged with open rebellion and intended assassination, or against Mrs. Gaunt, whom they could accuse only of acts of humanity and charity forbidden by their laws. They chose to spare the wretched Burton, in order that he might swear away the lives of others for having preserved his own. Eight judges, of whom Jeffreys was no longer one, sat on these deplorable trials. Roger North, known as a contributor to our history, was an active counsel against the benevolent and courageous Mrs. Gaunt. William Penn was present when she was burnt alive<sup>a</sup>, and having familiar access to James, is likely to have related to him the particulars of that and of the other executions at the same time. At the stake, she disposed the straw around her, so as to shorten her agony by a strong and quick fire, with a composure which melted the spectators into tears. She thanked God that he had enabled her to succour the desolate; that the blessing of those who were ready to perish came upon her; and that, in the act for which she was doomed by men to destruction, she had obeyed the sacred precepts which commanded her to hide the outcast, and not to betray him that wandereth. Thus was this poor and uninstructed woman supported under a death of cruel torture, by the lofty consciousness of suffering for righteousness, and by that steadfast faith in the final triumph of justice which can never visit the last moments of the oppressor.

The dying speeches of the prisoners executed in London were suppressed, and the outrages offered to the remains of the dead were carried to an unusual degree.<sup>b</sup> The body of Richard Rumbold, who had been convicted and executed at Edinburgh, under a Scotch law, was brought up to London. The sheriffs of London

<sup>a</sup> Clarkson's Life of Penn, i. 448. Burnet.

<sup>b</sup> Narcissus Luttrell, 16th Nov. 1685.

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were commanded, by a royal warrant, to set up one of the quarters on one of the gates of the city, and to deliver the remaining three to the sheriff of Hertford, who was directed by another warrant to place them at or near Rumbold's late residence at the Rye House<sup>a</sup>; impotent but studied outrages, which often manifest more barbarity of nature than do acts of violence to the living.

The chief restraint on the severity of Jeffreys seems to have arisen from his rapacity. Contemporaries of all parties agree that there were few gratuitous pardons, and that wealthy convicts seldom sued to him in vain. Kiffin, a Non-conformist merchant, had agreed to give 3000*l.* to a courtier for the pardon of two youths of the name of Luson, his grandsons, who had been in Monmouth's army. But Jeffreys guarded his privilege of selling pardons, by unrelenting rigour towards those prisoners from whom mercy had thus been sought through another channel.<sup>b</sup> He was attended on his circuit by a buffoon, to whom, as a reward for his merriment in one of his hours of revelry, he tossed the pardon of a rich culprit, expressing his hope that it might turn to good account. But this traffic in mercy was not confined to the Chief Justice. The King pardoned Lord Grey to increase the value of the grant of his life-estate, which had been made to Lord Rochester. The young women of Taunton, who had presented colours and a Bible to Monmouth, were excepted by name from the general pardon, in order that they might purchase separate pardons. To aggravate this indecency, the money to be thus extorted from them was granted to persons of their own sex,—the queen's maids of honour; and it must be added with regret, that William Penn, sacrificing other objects to the hope of obtaining the toleration of his religion from the King's favour, was appointed an agent for the maids of honour, and submitted to receive instructions "to make the most advantageous composition he could in their behalf."<sup>c</sup> The Duke of Somerset in vain attempted to persuade Sir Francis Warre, a

<sup>a</sup> Warrants, 27th and 28th Oct. 1685. State Paper Office. One quarter was to be put up at Aldgate; the remaining three at Hoddesdon, the Rye, and Bishop's Stortford.

<sup>b</sup> Kiffin's Memoirs, 54. ed. 1823. (Answer of Kiffin to James, *ibid.* 159.)

<sup>c</sup> Lord Sunderland to William Penn, 13th Feb. 1686. State Paper Office.



neighbouring gentleman, to obtain 7000*l.* from the young women, without which, he said, the maids of honour were determined to prosecute them to outlawry. Roger Hoare, an eminent trader of Bridgewater, saved his life by the payment of 1000*l.* to the maids of honour ; but he was kept in suspense respecting his pardon till he came to the foot of the gallows, for no other conceivable purpose than that of extorting the largest possible sum. This delay caused the insertion of his execution in the first narratives of these events. But he lived to take the most just revenge on tyrants, by contributing, as representative in several parliaments for his native town, to support that free government which prevented the restoration of tyranny.

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The same disposition was shown by the King and his ministers in the case of Mr. Hampden, the grandson of him who, forty years before, had fallen in battle for the liberties of his country. Though this gentleman had been engaged in the consultations of Lord Russell and Mr. Sidney, yet there being only one witness against him, he was not tried for treason, but was convicted of a misdemeanor, and on the evidence of Lord Howard condemned to pay a fine of 40,000*l.* His father being in possession of the family estate, he remained in prison till after Monmouth's defeat, when he was again brought to trial for the same act as high treason, under pretence that a second witness had been discovered.\* It had been secretly arranged, that if he pleaded guilty he should be pardoned on paying a large sum of money to two of the King's favourites. At the arraignment, both the Judges and Mr. Hampden performed the respective parts which the secret agreement required, he humbly entreating their intercession to obtain the pardon which he had already secured by more effectual means ; they extolling the royal mercy, and declaring that the prisoner, by his humble confession, had taken the best means of qualifying himself to receive it. The result of this profanation of the forms of justice and mercy was, that Mr. Hampden was in a few months

Case of  
Hampden.

\* State Trials, xi. 479.

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 1685. to be divided between Jeffreys and Father Petre, the two guides  
 of the King in the performance of his duty to God and his people.<sup>a</sup>

Of Prideaux. Another proceeding, of a nature still more culpable, showed the  
 same union of mercenary with sanguinary purposes in the King  
 and his ministers. Prideaux, a gentleman of fortune in the west  
 of England, was apprehended on the landing of Monmouth, for no  
 other reason than that his father had been attorney-general under  
 the Commonwealth and the Protectorate. Jeffreys, actuated  
 here by personal motives, employed agents through the prisons  
 of the west to discover evidence against Prideaux. The lowest  
 prisoners were offered their lives, and a sum of 500*l*. if they  
 would give evidence against him. Such, however, was the in-  
 flexible morality of the Nonconformists, who formed the bulk of  
 Monmouth's adherents, that they remained unshaken by these  
 offers, amidst the military violence which surrounded them, and in  
 spite of the judicial rigours which were to follow. Prideaux was  
 enlarged. Jeffreys himself, however, was able to obtain some  
 information, though not upon oath, from two convicts under the  
 influence of the terrible proceedings at Dorchester.<sup>b</sup> Prideaux was  
 again apprehended. The convicts were brought to London; and  
 one of them was conducted to a private interview with the Lord  
 Chancellor, by Sir Roger l'Estrange, the most noted writer in the  
 pay of the court. Prideaux, alarmed at these attempts to tamper  
 with witnesses, employed the influence of his friends to obtain his  
 pardon. The motive for Jeffreys's unusual activity was then dis-  
 covered. Prideaux's friends were told that nothing could be done  
 for him, as "the King had given him" (the familiar phrase for a  
 grant of an estate either forfeited or about to be forfeited) to the  
 Chancellor, as a reward for his services in the west. On appli-  
 cation to one Jennings, the avowed agent of the Chancellor for  
 the sale of pardons, it was found that Jeffreys, unable to procure

<sup>a</sup> Lords' Journals, 20th Dec. 1689. This document has been overlooked by all historians, who, in consequence, have misrepresented the conduct of Mr. Hampden.

<sup>b</sup> Sunderland to Jeffreys, 14th Sept. 1685. State Paper Office.

evidence on which he could obtain the whole of Prideaux's large estates by a conviction, had now resolved to content himself with a bribe of 10,000*l.* for the deliverance of a man so innocent, that by the formalities of law, perverted as they then were, the Lord Chancellor could not effect his destruction. Payment of so large a sum was at first resisted; but to subdue this contumacy, Prideaux's friends were forbidden to have access to him in prison, and his ransom was raised to 15,000*l.* The money was then publicly paid by a banker to the Lord Chancellor of England by name. Even in the administration of the iniquitous laws of confiscation, there are probably few instances where, with so much premeditation and effrontery, the spoils of an accused man were promised first to the judge, who might have tried him, and afterwards to the Chancellor who was to advise the King in the exercise of mercy.<sup>a</sup>

Notwithstanding the perjury of Rumsey in the case of Cornish, a second experiment was made on the effect of his testimony by producing him, together with Lord Grey and one Saxton, as a witness against Lord Brandon on a charge of treason.<sup>b</sup> The accused was convicted, and Rumsey was still allowed to correspond confidentially with the Prime Minister<sup>c</sup>, to whom he even applied for money. But when the infamy of Rumsey became notorious, when Saxton had perjured himself on the subsequent trial of Lord Delamere, it was thought proper to pardon Lord Brandon, against whom no testimony remained but that of Lord Grey, who, when he made his confession, is said to have stipulated that no man should be put to death on his evidence. But Brandon was not enlarged on bail till fourteen months, nor was his pardon completed till two years after his trial.<sup>d</sup>

The only considerable trial which remained was that of Lord Delamere, before the Lord Steward (Jeffreys) and thirty peers.

<sup>a</sup> Commons' Journals, 1st May, 1689.

<sup>b</sup> Narcissus Luttrell, 25th Nov. 1685; which, though very short, is more full than any published account of Lord Brandon's trial.

<sup>c</sup> Rumsey to Lord Sunderland, Oct. 1685, and Jan. 1686. State Paper Office.

<sup>d</sup> Narcissus Luttrell, Jan. and Oct. 1687.

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Though this nobleman was obnoxious and formidable to the court, the proof of the falsehood and infamy of Saxton, the principal witness against him, was so complete, that he was unanimously acquitted; a remarkable and almost solitary exception from the prevalent proceedings of courts of law at that time, arising partly from a proof of the falsehood of the charge more clear than can often be expected, partly perhaps from the fellow-feeling of the judges with the prisoner, and from the greater reproach to which an unjust judgment exposes its authors, when in a conspicuous station.

The administration of justice in state prosecutions is one of the surest tests of good government. The judicial proceedings which have been thus carefully and circumstantially related afford a specimen of those evils from which England was delivered by the Revolution. As these acts were done with the aid of juries, and without the censure of parliament, they also afford a fatal proof that judicial forms and constitutional establishments may be rendered unavailing by the subserviency or the prejudices of those who are appointed to carry them into effect. The wisest institutions may become a dead letter, and may even, for a time, be converted into a shelter and an instrument of tyranny, when the sense of justice and the love of liberty are weakened in the minds of a people.

## CHAP. II.

DISMISSAL OF HALIFAX.—MEETING OF PARLIAMENT.—DEBATES ON THE ADDRESS.—PROROGATION OF PARLIAMENT.—HABEAS CORPUS ACT.—STATE OF THE CATHOLIC PARTY.—CHARACTER OF THE QUEEN—OF CATHERINE SEDLEY.—ATTEMPT TO SUPPORT THE DISPENSING POWER BY A JUDGMENT OF A COURT OF LAW.—GODDEN V. HALE. — CONSIDERATION OF THE ARGUMENTS.—ATTACK ON THE CHURCH.—ESTABLISHMENT OF THE COURT OF COMMISSIONERS FOR ECCLESIASTICAL CAUSES.—ADVANCEMENT OF CATHOLICS TO OFFICES.—INTERCOURSE WITH ROME.

THE general appearance of submission which followed the suppression of the revolt, and the punishment of the revolvers, encouraged the King to remove from office the Marquis of Halifax, with whose liberal opinions he had recently as well as early been dissatisfied, and whom he suffered to remain in place at the accession, only as an example that old opponents might atone for their offences by compliance.<sup>a</sup> A different policy was adopted in a situation of more strength. As the King found that Halifax would not comply with his projects, he determined to dismiss him before the meeting of parliament, an act of vigour which it was thought would put an end to division in his counsels, and prevent discontented ministers from countenancing a resistance to his measures. When he announced this resolution to Barillon, he added, that “his design was to obtain a repeal of the Test and Habeas Corpus Acts, of which the former was destructive of the Catholic religion, and the other of the royal authority; that Halifax had not the firmness to support the good cause, and that he would have less power of doing harm if he were disgraced.”<sup>b</sup>

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Dismissal of  
Halifax.

<sup>a</sup> Barillon au Roi,  $\frac{24\text{th February,}}{5\text{th March,}}$  1685. Fox, App. XIV.

<sup>b</sup> Barillon au Roi,  $\frac{19}{20}$  October, 1685. Fox, App. CXXI.

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James had been advised to delay the dismissal till after the session, that the opposition of Halifax might be moderated, if not silenced, by the restraints of high office ; but he thought that his authority would be more strengthened, by an example of a determination to keep no terms with any who did not show an unlimited compliance with his wishes. “ I do not suppose,” said the King to Barillon, with a smile, “ that the King your master will be sorry for the removal of Halifax. I know that it will mortify the ministers of the allies.” Nor was he deceived in either of these respects. The news was received with satisfaction by Louis, and with dismay by the ministers of the empire, of Spain, and of Holland, who lost their only advocate in the councils of England<sup>a</sup> : it excited wonder and alarm among those Englishmen who were zealously attached to their religion and liberty.<sup>b</sup> Though Lord Halifax had no share in the direction of public affairs since the accession<sup>c</sup>, his removal was an important event in the eye of the public, and gave him a popularity which he preserved by independent and steady conduct during the sequel of James’s reign.

Meeting of  
Parliament,  
Nov. 9.

It is remarkable that, on the meeting of parliament, little notice was taken of the military and judicial excesses in the west. Sir Edward Seymour applauded the punishment of the rebels, and Waller alone, a celebrated wit, an ingenious poet, the father of parliamentary oratory, and one of the refiners of the English language, though now in his eightieth year, arraigned the violences of the soldiery with a spirit still unextinguished. He probably intended to excite a discussion which might gradually have reached the more deliberate and inexcusable faults of the Judges. But the opinions and policy of his audience defeated his generous purpose. The prevalent party looked with little disapprobation

<sup>a</sup> Barillon, 25th October,  
5th November, 1685.

<sup>b</sup> Reresby. Barillon.

<sup>c</sup> Barillon, 18th February,  
1st March, 1685.

on severities which fell on Nonconformists and supposed Republicans. Many might be base enough to feel little compassion for sufferers in the humbler classes of society ; some were probably silenced by a pusillanimous dread of being said to be the abettors of rebels ; and all must have been, in some measure, influenced by an undue and excessive degree of that wholesome respect for judicial proceedings, which is one of the characteristic virtues of a free country. This disgraceful silence is, perhaps, somewhat extenuated by the slow circulation of intelligence at that period, by the censorship which imposed silence on the press, or enabled the ruling party to circulate falsehood through its means, and by the eagerness of all parties for a discussion of the alarming tone and principles of the speech from the throne.

The King began by observing that the late events must convince every one that the militia was not sufficient, and that nothing but a good force of well-disciplined troops, in constant pay, could secure the government against enemies abroad and at home : that for this purpose he had increased their number, and now asked a supply for the great charge of maintaining them. " Let no man take exception," he continued, " that there are some officers in the army not qualified, according to the late tests, for their employments ; the gentlemen are, I must tell you, most of them well known to me ; they have approved the loyalty of their principles by their practice ; and I will deal plainly with you, that after having had the benefit of their services in such a time of need and danger, I will neither expose them to disgrace, nor myself to the want of them, if there should be another rebellion to make them necessary to me." Nothing but the firmest reliance on the submissive disposition of the parliament could have induced James to announce to them his determination to bid defiance to the laws. He probably imagined that the boldness with which he asserted the power of the Crown would be applauded by many, and endured by most of the members of such a parliament. But never was there a more remarkable example of the use of a popular assembly, however ill composed,

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in extracting from the disunion, jealousy, and ambition of the victorious enemies of liberty, a new opposition to the dangerous projects of the crown. The vices of politicians were converted into an imperfect substitute for virtue; and though the friends of the constitution were few and feeble, the inevitable divisions of their opponents in some degree supplied their place.

The disgrace of Lord Halifax disheartened and even offended some supporters of government. Sir Thomas Clarges, a determined Tory, was displeased at the merited removal of his nephew, the Duke of Albemarle, from the command of the army against Monmouth. Nottingham, a man of talent and ambition, more a Tory than a courtier, was dissatisfied with his own exclusion from office, and jealous of Rochester's ascendancy over the church party. His relation Finch, though solicitor-general, took a part against the court. The projects of the crown were thwarted by the friends of Lord Danby, who had forfeited all hopes of the King's favour by communicating the popish plot to the House of Commons, and by his share in the marriage of the Princess Mary with the Prince of Orange. Had the King's first attack been made on civil liberty, the opposition might have been too weak to embolden all these secret and dispersed discontents to display themselves, and to combine together. But the attack on the exclusive privileges of the Church of England, while it alienated the main force of the crown, touched a point on which all the subdivisions of discontented Tories professed to agree, and afforded them a specious pretext for opposing the King, without seeming to deviate from their ancient principles. They were gradually disposed to seek or accept the assistance of the defeated Whigs, and the names of Sir Richard Temple, Sir John Lowther, Sergeant Maynard, and Mr. Hampden, appear at last more and more often in the proceedings. Thus admirably does a free constitution not only command the constant support of the wise and virtuous, but often compel the low jealousies and mean intrigues of disappointed ambition to contend for its preservation. The consideration of the King's speech was postponed for three days, in spite of a



motion for its immediate consideration by Lord Preston, a secretary of state. CHAP. II.

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the address  
in the Com-  
mons.

In the committee of the whole House on the speech, which occurred on the 12th, two resolutions were adopted, of which the first was friendly, and the second was adverse, to the government. It was resolved that a supply be granted to his Majesty, and that a bill be brought in to render the militia more useful. The first of these propositions has seldom been opposed since the government has become altogether dependent on the annual grants of parliament; it was more open to debate on a proposal for extraordinary aid, and it gave rise to some important observations. Clarges declared he had voted against the exclusion, because he did not believe its supporters when they foretold that a popish king would have a popish army. "I am afflicted greatly at this breach of our liberties; what is struck at here is our all." Sir Edward Seymour observed, with truth, that to dispense with the test was to release the King from all law. Encouraged by the bold language of these Tories, old Serjeant Maynard said, that the supply was asked for the maintenance of an army which was to be officered against a law made, not for the punishment of Papists, but for the defence of Protestants. The accounts of these important debates are so scanty, that we may, without much presumption, suppose the venerable lawyer to have at least alluded to the recent origin of the test, to which the King had disparagingly adverted in his speech, as the strongest reason for its strict observance. Had it been an ancient law, founded on general considerations of policy, it might have been excusable to relax its rigour from a regard to the circumstances and feelings of the King. But having been recently provided as a security against the specific dangers apprehended from his accession to the throne, it was to the last degree unreasonable to remove or suspend it at the moment when those very dangers had reached their highest pitch. Sir Richard Temple spoke warmly against standing armies, and of the necessity of keeping the crown dependent on parliamentary grants. He proposed the resolution for the improvement

CHAP. II. of the militia, with which the courtiers concurred. Clarges moved  
 1685. as an amendment on the vote of supply, the words, "for the additional forces," to throw odium on the ministerial vote; but this adverse amendment was negatived by a majority of seventy in a house of three hundred and eighty-one. On the 13th, the ministers proposed to instruct the committee of the whole House on the King's speech, to consider, first, the paragraph of the speech which contained the demand of supply. They were defeated by a majority of a hundred and eighty-three to a hundred and eighty-two; and the committee resolved to take into consideration, first, the succeeding paragraph, which related to the officers illegally employed.<sup>a</sup>

On the 16th, an address was brought up from the committee, setting forth the legal incapacity of the Catholic officers, which could only be removed by act of parliament, offering to indemnify them from the penalties they had incurred, but, as their continuance would be taken to be a dispensing with the law, praying that the King would be pleased not to continue them in their employments. The House, having substituted the milder words, "that he would give such directions therein as that no apprehensions or jealousies might remain in the hearts of his subjects," unanimously adopted the address. A supply of seven hundred thousand pounds was voted; a medium between twelve hundred thousand required by ministers, and two hundred thousand proposed by the most rigid of their opponents. The danger of standing armies to liberty, and the wisdom of such limited grants as should compel the crown to recur soon and often to the House of Commons, were the general arguments used for the smaller sum. The courtiers urged the example of the late revolt, the

<sup>a</sup> "The Earl of Middleton, then a secretary of state, seeing many go out upon the division against the court who were in the service of government, went down to the bar and reproached them to their faces for voting as they did. He said to a Captain Kendal, 'Sir, have you not a troop of horse in his Majesty's service?' 'Yes, Sir,' said the other; 'but my brother died last night, and has left me seven hundred pounds a year.' This I had from my uncle, the first Lord Onslow, who was then a member of the House, and present. This incident upon one vote very likely saved the nation." Note of Speaker Onslow on Burnet, iii. 86. Oxford ed. 1823.

superiority of disciplined troops over an inexperienced militia, the necessity arising from the like practice of all other states, and the revolution in the art of war, which had rendered proficiency in it unattainable, except by those who studied and practised it as the profession of their lives. The most practical observation was that of Sir William Trumbull, who suggested that the grant should be annual, to make the existence of the army annually dependent on the pleasure of parliament. The ministers, taking advantage of the secrecy of foreign negotiations, ventured to assert that a formidable army in the hands of the King was the only check on the ambition of France, though they knew that their master was devoted to Louis XIV., to whom he had been recently suing for a secret subsidy in the most abject language of supplication.<sup>a</sup> When the address was presented, the King answered, with a warmth and anger very unusual on such occasions<sup>b</sup>, that "he did not expect such an address; that he hoped his reputation would have inspired such a confidence in him; but that, whatever they might do, he should adhere to all his promises." The reading of this answer in the House the next day produced a profound silence for some minutes. A motion was made by Mr. Wharton to take it into consideration, on which Mr. John Cooke<sup>c</sup> said, "We are Englishmen, and ought not to be frightened from our duty by a few hard words." Both these gentlemen were Whigs, who were encouraged to speak freely by the symptoms of vigour which the House had shown; but they soon discovered that they had mistaken the temper of their colleagues; for the majority, still faithful to the highest pretensions of the crown whenever the Established Church was not adverse to them, com-

<sup>a</sup> Barillon au Roi,  $\frac{6}{16}$  July, 1685. Fox, Appendix cv. "Le Roi me dit que si V. M.

avoit quelque chose à desirer de lui, il iroit au devant de tout ce qui peut plaire à V. M.; qu'il avoit été élevé en France, et mangé le pain de V. M.; *que son cœur étoit François.*" Only six weeks before, James told his parliament that "he had a *true English heart.*" King's Speech, 30th May, 1685.

<sup>b</sup> Reresby, 218. Sir J. Reresby, being a member of the House, was probably present.

<sup>c</sup> Commons' Journals, 18th Nov. 1685.

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mitted Mr. Cooke to the Tower, though he disavowed all disrespectful intention, and begged pardon of the King and the House. Notwithstanding the King's answer, they proceeded to provide means of raising the supply, and they resumed the consideration of a bill for the naturalisation of French Protestants; a tolerant measure, of which the zealous partisans of the church had first resisted the introduction<sup>a</sup>, and afterwards destroyed the greater part of the benefit by confining it to those who should conform to the Establishment.<sup>b</sup> The motion for considering the King's speech was not pursued<sup>c</sup>, which, together with the proceeding on supply, seemed to imply a submission to the menacing answer of James, arising principally from the subservient character of the majority; but, probably, in some, from a knowledge of the vigorous measures about to be proposed in the House of Lords.

In the Lords. At the opening of the session, that House had contented themselves with general thanks to the King for his speech, without any allusion to its contents. Jeffreys, in delivering the King's answer, affected to treat this parliamentary courtesy as an approval of the substance of the speech. Either on that or on the preceding occasion, it was said by Lord Halifax or Lord Devonshire (for it is ascribed to both), "that they had now more reason than ever to give thanks to his Majesty for having dealt so plainly with them." The House, not called upon to proceed as the other House were by the demand of supply, continued inactive for a few days, till they were roused by the imperious answer of the King to the Commons. On the 19th<sup>d</sup>, the day of the answer, Lord Devonshire moved to take into consideration the dangerous consequences of an army kept up against law. He was supported by Halifax, by Nottingham, and by Anglesea, who, in a very advanced age,

<sup>a</sup> Commons' Journals, 16th June, 1685.

<sup>b</sup> Ibid. 1st July, 1685.

<sup>c</sup> Ibid. 19th Nov. 1685.

<sup>d</sup> Barillon,  $\frac{23 \text{ Nov.}}{3 \text{ Dec.}}$  1685. Fox MSS, i. 78. Lords' Journals, 19th Nov. 1685. This is the only distinct narrative of the proceedings of this important and decisive day. Burnet was then on the Continent, but I have endeavoured to combine his account with that of Barillon.

still retained that horror of the yoke of Rome, which he had found means to reconcile with frequent acquiescence in the civil policy of Charles and James. Lord Mordaunt, more known as Earl of Peterborough, signalised himself by the youthful spirit of his speech. "Let us not," he said, "like the House of Commons, speak of jealousy and distrust: ambiguous measures inspire these feelings. What we now see is not ambiguous. A standing army is on foot, filled with officers, who cannot be allowed to serve without overthrowing the laws. To keep up a standing army when there is neither civil nor foreign war, is to establish that arbitrary government which Englishmen hold in such just abhorrence." Compton, Bishop of London, a prelate of noble birth and military spirit, who had been originally an officer in the Guards, spoke for the motion in the name of all his brethren on the episcopal bench, who considered the security of the church as involved in the issue of the question. Compton was influenced not only by the feelings of his order, but by his having been the preceptor of the Princesses Mary and Anne, who were deeply interested in the maintenance of the Protestant church, as well as conscientiously attached to it.

Jeffreys was the principal speaker on the side of the court. He urged the thanks already voted as an approval of the speech. His scurrilous invectives, and the tones and gestures of menace with which he was accustomed to overawe juries, roused the indignation instead of commanding the acquiescence of the Lords. As this is a deportment which cuts off all honourable retreat, the contemporary accounts are very probable which represent him as sinking at once from insolence to meanness.<sup>a</sup> His defeat must have been signal; for, in an unusually full<sup>b</sup> House of Lords, after

<sup>a</sup> Burnet.

<sup>b</sup> The attendance was partly caused by a call of the House, ordered for the trials of Lords Stamford and Delamere. There were present on the 19th November, seventy-five temporal and twenty spiritual lords. On the call, two days before, it appeared that forty were either minors, abroad, or confined by sickness: six had sent proxies; two were prisoners for treason; and thirty absent without any special reason, of whom the great majority were disabled as Catholics: so that very few peers, legally and physically capable of attendance, were absent.

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1685.

Prorogation  
of Parlia-  
ment.

so violent an opposition by the Chancellor of England, the motion for taking the address into consideration was, on the 23d, carried without a division.

On the next day the King prorogued the parliament, which never again was assembled but for the formalities of successive prorogations, by which its legal existence was prolonged for two years. By this prorogation he lost the subsidy of seventy thousand pounds. But his situation had become difficult. Though money was employed to corrupt some of the opponents of his measures, the opposition was daily gaining strength.<sup>a</sup> By rigorous economy, by diverting parliamentary aids from the purposes for which they were granted, the King had the means of maintaining the army, though his ministers had solemnly affirmed that he had not.<sup>b</sup> He was full of maxims for the necessity of firmness and the dangers of concession, which were mistaken by others, and perhaps by himself, for proofs of vigorous character. He had advanced too far to recede with tolerable dignity. The energy manifested by the House of Lords would have compelled even the submissive Commons to co-operate with them, which might have given rise to a more permanent coalition of the high church party with the friends of liberty. A suggestion had been thrown out in the Lords to desire the opinion of the judges on the right of the King to commission the Catholic officers<sup>c</sup>; and it was feared that the terrors of impeach-

<sup>a</sup> Barillon au Roi,  $\frac{16}{26}$  Nov. 1685. Fox, Appendix cxxxv.

<sup>b</sup> Barillon au Roi,  $\frac{3}{13}$  Dec. 1685. Fox MSS., i. 77. The expenses of the army of Charles II. was 280,000*l.*; that of James was 600,000*l.* The difference of 320,000*l.* was, according to Barillon, thus provided for: 100,000*l.*, the income of James as Duke of York, which he still preserved; 800,000*l.* granted to pay the debts of Charles, which, *as the King was to pay the debts as he thought fit*, would yield for some years 100,000*l.*; 800,000*l.* granted for the navy and the arsenal, on which the King *might proceed slowly, or even do nothing*; 400,000*l.* for the suppression of the rebellion. As these last funds were to come into the exchequer in some years, they were estimated as producing annually more than sufficient to cover the deficiency.

<sup>c</sup> Barillon au Roi,  $\frac{30 \text{ Nov.}}{10 \text{ Dec.}}$  1685. Fox MSS., i. 76.

ment might, during the sitting of parliament, draw an opinion from these magistrates against the prerogative, which might afterwards prove irrevocable. To reconcile parliament to the officers became daily more hopeless. To sacrifice those who had adhered to the King in a time of need appeared to be an example dangerous to all his projects, whether of enlarging his prerogative, or of securing, and, perhaps, finally establishing, his religion.

Thus ended the active proceedings of a parliament which, in all that did not concern the church, justified the most sanguine hopes that James could have formed from their submission to the court, as well as attachment to the monarchy. A body of men so subservient as that House of Commons could hardly be brought together by any mode of election or appointment; and James was aware that, by this angry prorogation, he had rendered it difficult for himself for a long time to meet another parliament.<sup>a</sup> The session had lasted only eleven days. The eyes of Europe had been anxiously turned toward their proceedings. Louis XIV., not entirely relying on the sincerity or steadiness of James, was fearful that he might have yielded to the allies or to his people, and instructed Barillon in that case to open a negotiation with leading members of the Commons, that they might embarrass the policy of the King, if it became adverse to France.<sup>b</sup> Spain and Holland, on the other hand, hoped, that any compromise between the King and parliament would loosen the ties that bound the former to France. It was even hoped that he might form a triple alliance with Spain and Sweden, and large sums of money were secretly offered to him to obtain his accession to such an alliance.<sup>c</sup> Three days before the meeting of parliament, arrived in London Monsignor d'Adda, a Lombard prelate of distinction, as the known, though then un-

<sup>a</sup> Barillon.

<sup>b</sup> Le Roi à Barillon,  $\frac{9}{19}$  Nov. 1685. Fox, Appendix cxxxi.

<sup>c</sup> Barillon au Roi,  $\frac{16}{26}$  Nov. 1685. Fox, Appendix cxxxvi.

## CHAP. II.

1685.

Habeas  
Corpus Act.

avowed, minister of the see of Rome<sup>a</sup>, who was divided between the interest of the Catholic church of England and the animosity of Innocent XI. against Louis XIV. All these sollicitudes, and precautions, and expectations, were suddenly dispelled by the unexpected rupture between James and his parliament.

From the temper and opinions of that parliament it is reasonable to conclude, that the King would have been more successful if he had chosen to make his first attack on the Habeas Corpus Act, instead of directing it against the Test. Both these laws were then only of a few years' standing; and he, as well as his brother, held them both in abhorrence. The Test gave exclusive privileges to the Established Church, and was, therefore, dear to the adherents of that powerful body. The Habeas Corpus Act was not then the object of that attachment and veneration which experience of its unspeakable benefits for a hundred and fifty years has since inspired. The most ancient of our fundamental laws had declared the principle that no freeman could be imprisoned without legal authority.<sup>b</sup> The immemorial antiquity of the writ of Habeas Corpus,—an order of a court of justice to a gaoler to bring the body of a prisoner before them, that there might be an opportunity of examining whether his apprehension and detention were legal,—seems to prove that this principle was coeval with the law of England. In irregular times, however, it had been often violated; and the judges under Charles I. pronounced a judgment<sup>c</sup>; which, if it had not been condemned by the great statute called the Petition of Right<sup>d</sup>, would have vested in the crown a legal power of arbitrary imprisonment. By the statute which abolished the Star Chamber, the parliament of 1641<sup>e</sup> made some important provisions

<sup>a</sup> Monsignor d'Adda al Papa,  $\frac{9}{19}$  Nov. 1685. D'Adda MSS.

<sup>b</sup> Magna Charta, c. 29.

<sup>c</sup> The famous case of commitments "by the special command of the King," which last words the Court of King's Bench determined to be a sufficient cause for detaining a prisoner in custody, without any specification of an offence. State Trials, iii. 1.

<sup>d</sup> 3 Car. I. c.

<sup>e</sup> 16 Car. I. c. 10.



to facilitate deliverance from illegal imprisonment. For eleven years Lord Shaftesbury struggled to obtain a law which should complete the securities of personal liberty<sup>a</sup>; and at length that great though not blameless man obtained the object of his labours, and bestowed on his country the most perfect security against arbitrary imprisonment which has ever been enjoyed by any society of men.<sup>b</sup> It has banished that most dangerous of all modes of oppression from England. It has effected that great object as quietly as irresistibly; it has never in a single instance been resisted or evaded; and it must be the model of all nations who aim at securing that personal liberty without which no other liberty can subsist. But in the year 1685, it appeared to the predominant party an odious novelty, an experiment untried in any other nation; carried through, in a period of popular frenzy, during the short triumph of a faction hostile to church and state, and by him who was the most obnoxious of all the demagogues of the age. There were then, doubtless, many, perhaps the majority, of the partisans of authority who believed, with Charles and James, that to deprive a government of all power to imprison the suspected and the dangerous, unless there was legal ground of charge against them, was incompatible with the peace of society; and this opinion was the more dangerous because it was probably conscientious.<sup>c</sup> In this state of things it may seem singular that James did not first propose the repeal of the Habeas Corpus Act, by which he would have gained the means of silencing opposition to all his other projects. What the fortunate circumstances were which pointed his attack against the Test, we are not enabled by contemporary evidence to ascertain. He contemplated that measure with peculiar resentment, as a personal insult

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<sup>a</sup> 1668 to 1679. Lords' and Commons' Journals.

<sup>b</sup> 31 Car. II. c. 2.

<sup>c</sup> James retained this opinion till his death. "It was a great misfortune to the people, as well as to the crown, the passing of the Habeas Corpus Act, since it obliges the crown to keep a greater force on foot to preserve the government, and encourages disaffected, turbulent, and unquiet spirits to carry on their wicked designs: it was contrived and carried on by the Earl of Shaftesbury to that intent." Advice of James II. to his Son. Life, ii. 621.

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to himself, and as chiefly, if not solely, intended as a safeguard against the dangers apprehended from his succession. He considered it as the most urgent object of his policy to obtain a repeal of it, which would enable him to put the administration, and especially the army, into the hands of those who were devoted by the strongest of all ties to his service, whose power, honour, and even safety, were involved in his success. An army composed of Catholics must have seemed the most effectual of all the instruments of power in his hands; and it is no wonder that he should hasten to obtain it. Had he been a lukewarm or only a professed Catholic, an armed force, whose interests were the same with his own, might reasonably have been considered as that which it was in the first place necessary to secure. Charles II., with a loose belief in popery, and no zeal for it, was desirous of strengthening its interests, in order to enlarge his own power. As James was a conscientious and zealous Catholic, it is probable that he was influenced in every measure of his government by religion, as well as ambition: both these motives coincided in their object. His absolute power was the only security for his religion, and a Catholic army was the most effectual instrument for the establishment of absolute power. In such a case of combined motives, it might have been difficult for himself to determine which motive predominated on any single occasion. Sunderland, whose sagacity and religious indifference are alike unquestionable, observed to Barillon, that on mere principles of policy James could have no object more at heart than to strengthen the Catholic religion<sup>a</sup>; an observation which, as long as the King himself continued to be a Catholic, seems, in the hostile temper which then prevailed among all sects, to have had great weight.

The best reasons for human actions are often not their true motives; but, in spite of the event, it does not seem difficult to defend the determination of the King on those grounds, merely

<sup>a</sup> Barillon au Roi,  $\frac{6}{16}$  July, 1685. Fox, Appendix ciii.

political, which, doubtless, had a considerable share in producing it. It is not easy to ascertain how far his plans in favour of his religion at that time extended. A great division of opinion prevailed among the Catholics themselves on this subject. The most considerable and opulent laymen of that communion, willing to secure moderate advantages, and desirous to employ their superiority with such forbearance as might provoke no new severities under a Protestant successor, would have been content with a repeal of the penal laws, without insisting on an abrogation of the Test. The friends of Spain and Austria, with all the enemies of the French connection, inclined strongly to a policy which, by preventing a rupture between the King and parliament, might enable, and, perhaps, dispose him to espouse the cause of European independence. The sovereign pontiff himself was of this party; and the wary politicians of the court of Rome advised their English friends to calm and slow proceedings, though the papal minister, with a circumspection and reserve required by the combination of a theological with a diplomatic character, abstained from taking any open part in the division, where it would have been hard for him to escape the imputation of being either a lukewarm Catholic or an imprudent counsellor. The Catholic lords who were ambitious of office, the Jesuits, and especially the King's confessor, together with all the partisans of France, supported extreme counsels better suited to the temper of James, whose choice of political means was guided by a single maxim, that violence, which he confounded with vigour, was the only safe policy for an English monarch. Their most specious argument was the necessity of taking such decisive measures to strengthen the Catholics during the King's life as would effectually secure them against the hostility of his successor.\* The victory gained by this party over the moderate Catholics, as well as the Protestant Tories, was ren-

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1685.

State of  
the Catholic  
party.

\* Barillon au Roi,  $\frac{2}{12}$  November. Fox, Appendix cxxix. Bar. au Roi,  $\frac{3}{31}$  December.

Fox MSS., i. 78. Burnet, i. 662. The coincidence of Burnet with the more ample account of Barillon is an additional confirmation of the substantial accuracy of the honest prelate.

## CHAP. II.

1685.

Character of  
the Queen ;of Catherine  
Sedley.

dered more speedy and decisive by some intrigues of the court, which have not hitherto been fully known to historians. Mary of Este, the consort of James, was married at the age of fifteen ; and had been educated in such gross ignorance, that she never had heard of the name of England until it was made known to her on occasion of her marriage. She was trained to a rigorous observance of all the practices of her religion, which sunk more deeply into her heart, and more constantly influenced her conduct, than was usual among Italian princesses. On her arrival in England, she betrayed a childish aversion to James, which was quickly converted into passionate fondness. But neither her attachment nor her beauty could fix the heart of that inconstant prince, who reconciled a warm zeal for his religion with an habitual indulgence in those pleasures which it most forbids. Her life was embittered by the triumph of mistresses, and by the frequency of her own perilous and unfruitful pregnancies. Her most formidable rival, at the period of the accession, was Catherine Sedley ; a woman of few personal attractions<sup>a</sup>, who inherited the wit and vivacity of her father, Sir Charles Sedley, which she unsparingly exercised on the priests and opinions of her royal lover. Her character was frank, her deportment bold, and her pleasantries more amusing than refined.<sup>b</sup> Soon after the accession, James was persuaded to relinquish his intercourse with her ; and, though she retained her lodgings in the palace, he did not see her for several months. The connection was then secretly renewed, and, in the first fervour of a

<sup>a</sup> “ Elle a beaucoup d’esprit et de la vivacité, mais elle n’a plus aucune beauté, et est d’une extrême maigreur.” Barillon, 7 Février, 1686. The insinuation of decline is somewhat singular, as her father was then only forty-six.

<sup>b</sup> These defects are probably magnified in the verses of Lord Dorset :—

“ Dorinda’s sparkling wit and eyes  
United, cast too fierce a light,  
Which blazes high, but quickly dies ;  
Pains not the heart, but hurts the sight.

“ Love is a calmer, gentler joy :  
Smooth are his looks, and soft his pacc ;  
Her Cupid is a blackguard boy,  
That runs his link full in your face.”

revived passion, the King offered to give her the title of Countess of Dorchester. She declined this invidious distinction; assuring him that, by provoking the anger of the Queen and of the Catholics, it would prove her ruin. He, however, insisted; and she yielded, upon condition that, if he was ever again prevailed upon to dissolve their connection, he should come to her to announce his determination in person.<sup>a</sup> The title produced the effects she had foreseen.

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1686.

Mary, proud of her beauty, still enamoured of her husband, and full of religious horror at the vices of Mrs. Sedley, gave way to the most clamorous excesses of sorrow and anger at the promotion of her competitor. She spoke to the King with a violence for which she long afterwards reproached herself as a grievous fault. At one time she said to him, "Is it possible that you are ready to sacrifice a crown for your faith, and cannot discard a mistress for it? Will you for such a passion lose the merit of your sacrifices?" On another occasion she exclaimed, "Give me my dowry, make her Queen of England, and let me never see her more."<sup>b</sup> Her transports of grief sometimes betrayed her to foreign ministers; and she neither ate nor spoke with the King at the public dinners of the court.<sup>c</sup> The zeal of the Queen for the Catholic religion, and the profane jests of Lady Dorchester against its doctrines and ministers, had rendered them the leaders of the Popish and Protestant parties at court. The Queen was supported by the Catholic clergy, who, with whatever indulgence their order had sometimes treated regal frailty, could not remain neuter in a contest between an orthodox Queen and an heretical mistress. These intrigues early mingled with the designs of the two ministers, who still appeared to have equal influence in the royal counsels. Lord Rochester, who had felt the decline of the King's

<sup>a</sup> "Sua maestà, à persuasione de qualche mal consigliere, fosse disposta a dare il titolo di Contessa a una dama chiamata Sideley, la quale aveva fama di poca honesta, et di non haver la custodita col Duca di York." D'Adda al Card. Cybo. 1 Febr. 1686.

<sup>b</sup> *Mémoires Histor. de la Reine d'Angleterre*, 1711 and 1712. MSS. formerly in possession of the nuns of Chaillot, since in the Arch. Gén. de la France.

<sup>c</sup> Bonrepaux à Seigneley, 7 Février, 1686. Evelyn, i. 584.

## CHAP. II.

1686.

Intrigues of  
Rochester  
and Sun-  
derland.

confidence from the day of Monmouth's defeat, formed the project of supplanting Lord Sunderland, and of recovering his ascendant in public affairs through the favour of the mistress. Having lived in a court of mistresses, and maintained himself in office by compliance with them<sup>a</sup>, he thought it unlikely that wherever a favourite mistress existed she could fail to triumph over a queen. As the brother of the first Duchess of York, Mary did not regard him with cordiality. As the leader of the church party, he was still more obnoxious to her. He and his lady were the principal counsellors of the mistress. He secretly advised the King to confer on her the title of honour, probably to excite the Queen to such violence as might widen the rupture between her and the King. He and his lady declared so openly for her as to abstain for several days, during the heat of the contest, from paying their respects to the Queen; a circumstance much remarked at a time when the custom was still observed, which had been introduced by the companionable humour of Charles, for the principal nobility to appear almost daily at court. Sunderland, already connected with the Catholic favourites, was now more than ever compelled to make common cause with the Queen. His great strength lay in the priests; but he also called in the aid of Madame Mazarin, a beautiful woman, of weak understanding, but practised in intrigue, who had been sought in marriage by Charles II. during his exile, refused by him after his restoration, and who, on her arrival in England ten years after, failed in the more humble attempt to become his mistress.

The exhortations of the clergy, seconded by the beauty, the affection, and the tears of the Queen, prevailed, after a severe struggle, over the ascendant of Lady Dorchester. James sent Lord Middleton, one of his secretaries of state, to desire that she would leave Whitehall, and go to Holland, to which country a yacht was in readiness to convey her. In a letter written by

<sup>a</sup> Carte's Ormond, ii. 553. The old duke, high-minded as he was, commended the prudent accommodation of Rochester.

his own hand, he acknowledged that he violated his promise; but excused himself by saying, that he was conscious of not possessing firmness enough to stand the test of an interview. She immediately retired to her house in St. James's Square; and offered to go to Scotland or Ireland, or to her father's estate in Kent; but protested against going to the Continent, where means might be found of immuring her in a convent for life. She was threatened with being forcibly carried abroad. She appealed to the Great Charter against such an invasion of the liberty of the subject. The contest continued for some time; and the King's advisers consented that she should go to Ireland, where Rochester's brother was lord lieutenant. She warned the King of his danger, and freely told him, that, if he followed the advice of Catholic zealots, he would lose his crown. She represented herself as the Protestant martyr; and boasted, many years afterwards, that she had neither changed her religion, like Lord Sunderland, nor even agreed to be present at a disputation concerning its truth, like Lord Rochester.\* After the complete victory of the Queen, Rochester still preserved his place, and affected to represent himself as wholly unconcerned in the affair. Sunderland kept on decent terms with his rival, and dissembled his resentment at the abortive intrigue for his removal. But the effects of it were decisive. It secured the power of Sunderland, rendered the ascendancy of the Catholic counsellors irresistible, gave them a stronger impulse towards violent measures, and struck a blow at the declining credit of Rochester, from which it never recovered. The removal of Halifax was the first step towards the new system of administration; the defeat of Rochester was the second. In the course of these contests, the Bishop of London was removed from the Privy Council for his conduct in the House of Peers; several members of the House of Commons were dismissed from military as well as civil offices for their votes in parliament; and the place of lord president of the council was bestowed on Sunderland, to add a

\* Halifax MS.

## CHAP. II.

1686.

Attempt to support the dispensing power by a judgment in a court of law.

dignity which was then thought wanting to his efficient office of secretary of state.<sup>a</sup>

The government now attempted to obtain, by the judgments of courts of law, that power of appointing Catholic officers which parliament had refused to sanction. Instances had occurred in which the crown had dispensed with the penalties of certain laws; and the recognition of this dispensing power, in the case of the Catholic officers, by the judges, appeared to be an easy mode of establishing the legality of their appointments. The King was to grant to every Catholic officer a dispensation from the penalties of the statutes, which, when adjudged to be agreeable to law by a competent tribunal, might supply the place of a repeal of the Test Act. To obtain the judgment, it was agreed that an action for the penalties should be collusively brought against one of these officers, which would afford an opportunity to the judges to determine that the dispensation was legal. The plan had been conceived at an earlier period, since (as has been mentioned) one of the reasons of the prorogation was an apprehension lest the terrors of parliament might obtain from the judges an irrevocable opinion against the prerogative.<sup>b</sup> No doubt seems to have been entertained of the compliance of magistrates, who owed their station to the King, who had recently incurred so much odium in his service, and who were removable at his pleasure.<sup>c</sup> He thought it necessary, however, to ascertain their sentiments. His expectations of unanimity were disappointed. Sir J. Jones, who presided at the trial of Mrs. Gaunt; Montague, who had accompanied Jeffreys

<sup>a</sup> These intrigues are very fully related by M. Bonrepaux, a French minister of talent, at that time sent on a secret mission to London, in his letters to M. Segnelay, and by Barillon in his ordinary communications to the King. Fox MSS. i. 84. 106. The despatches of the French ministers afford a new proof of the good information of Burnet; but neither he nor Reresby was aware of the connection of the intrigue with the triumph of Sunderland over Rochester.

<sup>b</sup> Barillon au Roi,  $\frac{23 \text{ Nov.}}{3 \text{ Dec.}}$  1685. Fox MSS. i. 76. D'Adda a Cybo, 11 Jennaio, 1686:—

“In maniera che in contraddittorio giudizio se conosce le cause fra particolari.”

<sup>c</sup> “Les juges *declareront* qu'il est la prerogative du Roi de dispenser des peines portees par la loi.” Bar. ubi supra.



in his circuit; Sir Job Charlton, a veteran royalist of approved zeal for the prerogative; together with Neville, a baron of the Exchequer; declared their inability to comply with the desires of the King. Jones answered him with dignity worthy of more spotless conduct:—"I am not sorry to be removed. It is a relief to a man old and worn out as I am. But I am sorry that your Majesty should have expected a judgment from me which none but indigent, ignorant, or ambitious men could give." James, displeased at this freedom, answered, that he would find twelve judges of his opinion. "Twelve judges, Sir," replied Jones, "you may find; but hardly twelve lawyers."

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1685.

However justly these judges are to be condemned for their former disregard to justice and humanity, they deserve great commendation for having, on this critical occasion, retained their respect for law. James possessed that power of dismissing his judges which Louis XIV. did not enjoy; and he immediately exercised it by removing the uncomplying magistrates, together with two others who held the same obnoxious principles. On the 21st of April, the day before the courts were to assemble in Westminster for their ordinary term, the new judges were appointed, among whom, by a singular hazard, was a brother of the immortal John Milton, named Christopher, then in the seventieth year of his age, who is not known to have had any other pretension except that of having secretly conformed to the Church of Rome.\* Sir Edward Hales, a Kentish gentleman who had been secretly converted to popery at Oxford by his tutor, Obadiah Walker, of University College (himself a celebrated convert), was selected to be the principal actor in the legal pageant for which the bench had been thus prepared. He was publicly reconciled to the Church of Rome on the 11th of November, 1685<sup>b</sup>; he was

\* The conversion of Sir Christopher is, indeed, denied by Dod, the very accurate historian of the English Catholics. Church Hist. iii. 416. To the former concurrence of all contemporaries we may now add that of Evelyn, i. 590. and Narcissus Lutterell. "All the judges," says the latter, "except Mr. Baron Milton, took the oaths in the Court of Chancery. But he, it is said, owns himself a Roman Catholic." Diary, 8th June, 1686.

<sup>b</sup> Dod, Church Hist. iii. 451.

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\* Com. Journ. May 18. 1689.

by his strenuous resistance<sup>a</sup>, remained a judge during the whole reign of James; he was not admitted to the presence of King William<sup>b</sup>, nor re-appointed after the Revolution; circumstances which, combined with some intimations unfavourable to his general character, suggest a painful suspicion, that the only judge who appeared faithful to his trust was, in truth, the basest of all, and that his dissent was prompted or tolerated by the court, in order to give a false appearance of independence to the acts of the degraded judges.

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In shortly stating the arguments which were employed on both sides of this question, it is not within the province of the historian to imitate the laborious minuteness of a lawyer, nor is it consistent with the faith of history to ascribe reasons to the parties more refined and philosophical than could probably have occurred to them, or influenced the judgment of those whom they addressed. The only specious argument of the advocates of prerogative arose from certain cases in which the dispensing power had been exercised by the crown and apparently sanctioned by courts of justice. The case chiefly relied on was a dispensation from the ancient laws respecting the annual nomination of sheriffs; the last of which, passed in the reign of Henry VI.<sup>c</sup>, subjected sheriffs, who continued in office longer than a year, to certain penalties, and declared all patents of a contrary tenor, even though they should contain an express dispensation, to be void. Henry VII., in defiance of this statute, had granted a patent to the Earl of Northumberland to be sheriff of the county for life; and the judges in the second year of his reign declared that the Earl's appointment was valid. It has been doubted whether there was any determination in that case, and it has been urged, with great appearance of reason, that it proceeded on some exceptions in the statute, and not on the unreasonable doctrine, that an act of parliament, to which the

Consider-  
ation of  
arguments.

<sup>a</sup> "Mr. Justice Street has lately married a wife, with a good fortune, since his opinion on the dispensing power." Nar. Lutt. Oct. 1686.

<sup>b</sup> "The Prince of Orange refused to see Mr. J. Street. Lord Coote said he was a very ill man." Lord Clarendon, Diary, 27th December, 1688.

<sup>c</sup> 23 Hen. VI. c. 7.

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money, they thought that they had discovered a means, without denying either of these principles, of universally superseding their application. Neither in these great cases, nor in the equally memorable instance of the dispensing power, were the precedents such as justified the conclusion. If law could ever be allowed to destroy liberty, it would at least be necessary that it should be sanctioned by clear, frequent, and weighty determinations; by general concurrence of opinion after free and full discussion, and by the long usage of good times. But, as in all doubtful cases relating to the construction of the most unimportant statute, we consider its spirit and object; so, when the like questions arise on the most important part of law, called the constitution, we must try obscure and contradictory usage by constitutional principles, instead of sacrificing these principles to such usage. The advocates of prerogative, indeed, betrayed a consciousness, that they were bound to reconcile their precedents with reason; for they, too, appealed to principles which they called constitutional. A dispensing power, they said, must exist somewhere, to obviate the inconvenience and oppression which might arise from the infallible operation of law; and where can it exist but in the crown, which exercises the analogous power of pardon. It was answered, that the difficulty never can exist in the English constitution, where all necessary or convenient powers may be either exercised or conferred by the supreme authority of parliament. The judgment in favour of the dispensing power was finally rested by the judges on still more general propositions, which, if they had any meaning, were far more alarming than the judgment itself. They declared, that "the kings of England are sovereign princes; that the laws of England are the King's laws; that, therefore, it is an inseparable prerogative in the King of England to dispense with penal laws in particular cases, and on particular necessary reasons, of which reasons and necessities he is the sole judge; that this is not a trust vested in the King, but the ancient remains of the sovereign power of the kings of England, which never yet was

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taken from them, nor can be.”<sup>a</sup> These propositions had either no meaning pertinent to the case, or they led to the establishment of absolute monarchy. The laws were, indeed, said to be the King’s, inasmuch as he was the chief and representative of the commonwealth, as they were contradistinguished from those of any other state, as he had a principal part in their enactment, and the whole trust of their execution. These expressions were justifiable and innocent, as long as they were employed to denote that decorum and courtesy which are due to the regal magistracy. But if they are considered in any other light, they proved much more than the judges dared to avow. If the King might dispense with the laws, because they were his laws, he might for the same reason suspend, repeal, or enact them. The application of these dangerous principles to the Test Act was attended with the peculiar absurdity of attributing to the King a power to dispense with provisions of a law, which had been framed for the avowed and sole purpose of limiting his authority. The law had not hitherto disabled a Catholic from filling the throne. As soon, therefore, as the next person in succession to the crown was discovered to be a Catholic, it was deemed essential to the safety of the established religion to take away from the crown the means of being served by Catholic ministers. The Test Act was passed to prevent a Catholic successor from availing himself of the aid of a party, whose outward badge was adherence to the Roman Catholic religion, and who were seconded by powerful allies in other parts of Europe, to overthrow the constitution, the Protestant church, and at last even the liberty of Protestants to perform their worship and profess their faith. To ascribe to that very Catholic successor the right of dispensing with all the securities provided against such dangers arising from himself, was to impute the most extravagant absurdity to the laws. It might be perfectly consistent with the principle of the Test Act, which was intended to provide against temporary dangers, to propose its repeal under a Protestant prince. But it is

<sup>a</sup> State Trials, xi. 1199.

altogether impossible that its framers could have considered a power of dispensing with its conditions as being vested in the Catholic successor whom it was meant to bind. Had these objections been weaker, the means employed by the King to obtain a judgment in his favour rendered the whole of this judicial proceeding a gross fraud, in which judges professing impartiality had been named by one of the parties to a question before them, after he had previously ascertained their partiality to him, and effectually secured it by the example of the removal of more independent judges. The character of Sir E. Herbert makes it painful to disbelieve his assertion, that he was unacquainted with these undue practices. But the notoriety of the facts seems to render the declaration incredible. In the same defence of his conduct which contains this assertion, there is another unfortunate departure from fairness. He rests his defence entirely on precedents, and studiously keeps out of view the dangerous principles which he laid down from the Bench as the foundation of his judgment. Public and solemn declarations, which ought to be the most sincere, are, unhappily, among the most disingenuous of human professions. This circumstance, which so much weakens the bonds of faith between men, is not so much to be imputed to any peculiar depravity in those who conduct public affairs, as to the circumstances in which official declarations are made. They are generally resorted to in times of difficulty, if not of danger, and often sure of being countenanced for the time by a numerous body of adherents. Public advantage covers falsehood with a more decent disguise than mere private interest can supply, and the vagueness of official language always affords the utmost facilities for reserve and equivocation. But these considerations, though they may, in some small degree, extenuate the disingenuousness of politicians, must, in the same proportion, lessen the credit which is due to their affirmations.\*

\* The arguments on this question are contained in the Tracts of Sir Edward Herbert, Sir R. Atkyns, and Mr. Attwood, published after the Revolution. State Trials, xi. That of Attwood is the most distinguished for acuteness and research. Sir Edward Herbert's is feebly reasoned, though elegantly written.

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After this determination, the judges on their circuit were not received with the accustomed honour.<sup>a</sup> Agreeably to the memorable observations of Lord Clarendon in the case of ship-money, they brought disgrace upon themselves, and weakness upon the whole government, by that base compliance which was intended to arm the monarch with undue and irresistible strength. The people of England, peculiarly distinguished by that reverence for the law, and its upright ministers, which is inspired by the love of liberty, have always felt the most cruel disappointment, and manifested the warmest indignation, at seeing the judges converted into instruments of oppression or usurpation.

These proceedings were viewed in a very different light by the ministers of absolute princes. D'Adda informed the papal court that the King had removed from office some contumacious judges, who had refused to conform to justice and reason on the subject of the King's dispensing power.<sup>b</sup> So completely was the spirit of France then subdued, that Barillon, the son of the president of the parliament of Paris, the native of a country where the independence of the great tribunals had survived every other remnant of ancient liberty, describes the removal of judges for their legal opinions as coolly as if he were speaking of the dismissal of an exciseman.<sup>c</sup>

The King, having, by the decision of the judges, obtained the power of placing the military and civil authority in the hands of his devoted adherents, now resolved to exercise that power, by nominating Catholics to stations of high trust, and to reduce the Church of England to implicit obedience by virtue of his ecclesiastical supremacy. Both these measures were agreed to at Hampton Court on the 4th of July; at which result he showed

<sup>a</sup> Nar. Lutt. 16 August, 1686.

<sup>b</sup> Lett. de Mons. d'Adda,  $\frac{23 \text{ Aprile,}}{3 \text{ Maggio,}}$  1686.

<sup>c</sup> Barillon,  $\frac{19}{29}$  Avril, 1686. Fox MSS. i. 121.



the utmost complacency.<sup>a</sup> It is necessary to give some explanation of the nature of the second, which formed one of the most effectual and formidable measures of his reign.

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When Henry VIII. was declared at the Reformation to be the supreme head of the Church of England, no attempt was made to define, with any tolerable precision, the authority to be exercised by him in that character. The object of the lawgiver was to shake off the authority of the See of Rome, and to make effectual provision that all ecclesiastical power and jurisdiction should be administered, like every other part of the public justice of the kingdom, in the name and by the authority of the King. That object scarcely required more than a declaration that the realm was as independent of foreign power in matters relating to the Church as in any other branch of its legislation.<sup>b</sup> That simple principle is distinctly intimated in several of the statutes passed on that occasion, though not consistently pursued in any of them. The true principles of ecclesiastical polity were then nowhere acknowledged. The Court of Rome was far from admitting the self-evident truth, that all coercive and penal jurisdiction exercised by the clergy was, in its nature, a branch of the civil power delegated to them by the State, and that the Church as such could exercise only that influence (metaphorically called authority) over the understanding and conscience which depended on the spontaneous submission of its members. The Protestant sects were not willing to submit their pretensions to the control of the magistrate; and even the reformed Church of England, though the creature of statute, showed, at various times, a disposition to claim some rights under a higher title. All religious communities were at that time alike intolerant, and there was, perhaps, no man in Europe who dared to think that the State neither possessed, nor could delegate, nor could recognise as inherent in

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the Church.

<sup>a</sup> D'Adda,  $\frac{10 \text{ July,}}{20 \text{ Luglio,}}$  1686. "Somma compiacenza."

<sup>b</sup> 24 Hen. VIII. c. 12. 25 Hen. VIII. c. 21. See especially the preambles to these statutes.

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another body any authority over religious opinions. Neither was any distinction made in the laws to which we have adverted, between the ecclesiastical authority which the King might separately exercise and that which required the concurrence of parliament. From ignorance, inattention, and timidity, in regard to these important parts of the subject, arose the greater part of the obscurity which still hangs over the limits of the King's ecclesiastical prerogative and the means of carrying it into execution. The statute of the first of Elizabeth, which established the Protestant Church of England, enacted that the crown should have power, by virtue of that act, to exercise its supremacy by commissioners for ecclesiastical causes, nominated by the sovereign, and vested with uncertain and questionable, but very dangerous powers, for the execution of a prerogative of which neither law nor experience had defined the limits. Under the reigns of James and Charles this court had become the auxiliary and rival of the Star Chamber; and its abolition was one of the wisest of those measures of reformation by which the parliament of 1641 had signalised the first and happiest period of their proceedings.<sup>a</sup> At the restoration, when the Church of England was re-established, a part of the Act for the Abolition of the Court of High Commission, taking away coercive power from all ecclesiastical judges and persons, was repealed; but the clauses for the abolition of the obnoxious court, and for prohibiting the erection of any similar court, were expressly re-affirmed.<sup>b</sup> Such was the state of the law on this subject when James conceived the design of employing his authority as head of the Church of England, as a means of subjecting that church to his pleasure, if not of finally destroying it. It is hard to conceive how he could reconcile to his religion the exercise of supremacy in a heretical sect, and thus sanction by his example the usurpations of the Tudors on the rights of the Catholic church. It is equally difficult to conceive how he reconciled to his morality the employment for the destruction of a community of a power

<sup>a</sup> 17 Car. I. c. 11.

<sup>b</sup> 13 Car. II. c. 12.

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with which he was intrusted by that community for its preservation. But the fatal error of believing it to be lawful to use bad means for good ends was not peculiar to James, nor to the zealots of his communion. He, indeed, considered the ecclesiastical supremacy as placed in his hands by Providence to enable him to betray the Protestant establishment. "God," said he to Barillon, "has permitted that all the laws made to establish Protestantism now serve as a foundation for my measures to re-establish true religion, and give me a right to exercise a more extensive power than other Catholic princes possess in the ecclesiastical affairs of their dominions."<sup>a</sup> He found legal advisers ready with paltry expedients for evading the two statutes of 1641 and 1660, under the futile pretext that they forbade only a court vested with such powers of corporal punishment as had been exercised by the old Court of High Commission; and in conformity to their pernicious counsel, he issued, in July<sup>b</sup>, a commission to certain ministers, prelates, and judges, to act as a Court of Commissioners in Ecclesiastical Causes. The first purpose of this court was to enforce directions to preachers, issued by the King, enjoining them to abstain from preaching on controverted questions. It must be owned that an enemy of the Protestant religion, placed at the head of the church, could not adopt a more perfidious measure. He well knew that the Protestant clergy alone could consider his orders as of any authority. Those of his own persuasion, totally exempt from his supremacy, would pursue their course, secure of protection from him against the dangers of penal law. The Protestant clergy were forbidden by their enemy to maintain their religion by argument, when they justly regarded it as being in the greatest danger. They disregarded the injunction, and carried on the controversy against Popery with equal ability and success. Among many others, Sharpe, Dean of Norwich, had

Establishment of the Court of Commissioners for Ecclesiastical Causes.

<sup>a</sup> Barill.  $\frac{12}{22}$  Juillet, 1686. Fox MSS. i. 139.

<sup>b</sup> Sealed 14 July, 1686. Evelyn.

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distinguished himself; and he was selected for punishment, on pretence that he had aggravated his disobedience by intemperate language, and by having spoken contemptuously of the understanding of all who could be seduced by the arguments for Popery, including of necessity the King himself, as if it were possible for a man of sincerity to speak on subjects of the deepest importance without a correspondent zeal and warmth. The mode of proceeding to punishment was altogether summary and arbitrary. Lord Sunderland communicated to the Bishop of London the King's commands, to suspend Sharpe from preaching. The Bishop answered that he could proceed only in a judicial manner; that he must hear Sharpe in his defence before such a suspension, but that Sharpe was ready to give every proof of deference to the King. The court, incensed at the parliamentary conduct of the Bishop, saw, with great delight, that he had given them an opportunity to humble and mortify him. Sunderland boasted to the papal minister, that the case of that Bishop would be a great example.<sup>a</sup> He was summoned before the Ecclesiastical Commission, and required to answer why he had not obeyed his Majesty's commands to suspend Sharpe for seditious preaching.<sup>b</sup> The Bishop conducted himself with considerable address. After several adjournments he tendered a plea to the jurisdiction, founded on the illegality of their commission, and he was heard by his counsel in vindication of his refusal to suspend an accused clergyman until he had been heard in his own defence. The King took a warm interest in the proceedings, and openly showed his joy at being in a condition to strike bold strokes of authority. He received congratulations on that subject with visible pleasure, and assured the French minister that the same vigorous system should be inflexibly pursued.<sup>c</sup> He did not conceal his resolution to

<sup>a</sup> "Il Re, sommamente intento a levare gli ostacoli, che possono impedire l'avanzamento della religione Cattolica, a trovato il mezzo-piu atto a mortificare il maltalento di Vescovo di Londra. Sara un gran buono e un gran esempio, come mi ha detto Milord Sunderland."

D'Adda, <sup>2 July,</sup>  
12 Luglio, 1686.

<sup>b</sup> State Trials, xi. 1158.

<sup>c</sup> Barillon, <sup>19</sup>  
<sup>29</sup> July, 1686. Fox MSS. i. 140.

remove any of the commissioners who should not do "his duty."<sup>a</sup> The Princess of Orange interceded in vain with the King for her preceptor, Compton. The influence of the church party was strenuously exerted for that prelate. They were not, indeed, aided by the primate Sancroft, who, instead of either attending as a commissioner to support the Bishop of London, or openly protesting against the illegality of the court, petitioned for and obtained from the King leave to be excused from attendance on the ground of age and infirmities.<sup>b</sup> By this irresolute and equivocal conduct the Archbishop deserted the church in a moment of danger, and yet incurred the displeasure of the King. Lord Rochester resisted the suspension. He was supported by Sprat, Bishop of Rochester, and by Sir Edward Herbert. Even Jeffreys, for the first time, inclined towards the milder opinion; for neither his dissolute life, nor his judicial cruelty, however much at variance with the principles of religion, were, it seems, incompatible with that fidelity to the church, which on this and some subsequent occasions prevailed over his zeal for prerogative. A majority of the commissioners were for some time favourable to Compton. Sunderland, and Crew Bishop of Durham, were the only members of the commission who seconded the projects of the King.<sup>c</sup> The presence or protest of the primate might have produced the most decisive effects. Sunderland represented the authority of government as interested in the judgment, which, if it were not rigorous, would secure a triumph to a disobedient

<sup>a</sup> Barillon,  $\frac{21 \text{ July}}{1 \text{ Août}}$ , 1686. Fox MSS. i. 140.

<sup>b</sup> This petition is without a date in the Appendix to Clarendon's Diary. But it is a formal petition, which seems to imply a regular summons. No such summons could have issued before the 14th July, on which day Evelyn, as one of the commissioners of the privy seal, affixed it to the Ecclesiastical Commission. Sancroft's ambiguous petition was therefore subsequent to his knowledge of Compton's danger, so that the excuses of Dr. D'Oyley (Life of Sancroft, i. 225.) cannot be allowed.

<sup>c</sup> "L'Archevesque de Canterbury s'étoit excusé de se trouver à la Commission Ecclésiastique sur sa mauvaise santé et son grand âge. On a pris aussi ce prétexte pour l'exclure de la séance de conseil." Barillon,  $\frac{10}{21}$  Oct. Fox MSS. i. 154.

CHAP. II. 1686. prelate, who had openly espoused the cause of faction. Rochester at length yielded, in the presence of the King, to whatever his Majesty might determine, giving it to be understood that he acted against his own conviction.<sup>a</sup> His followers made no longer any stand, after seeing the leader of their party, and the Lord High Treasurer of England, set the example of sacrificing his opinion as a judge, in favour of lenity, to the pleasure of the King; and the court finally pronounced sentence of suspension on the Bishop against the declared opinion of three fourths of its members.

The attempts of James to bestow toleration on his Catholic subjects would, doubtless, in themselves, deserve high commendation, if we could consider them apart from the intentions which they manifested, and from the laws of which they were a continued breach. But zealous Protestants, in the peculiar circumstances of the time, were, with reason, disposed to regard them as measures of hostility against their religion. Some of them must always be considered as daring or ostentatious manifestations of a determined purpose to exalt prerogative above law. A few days after the resolution of the council for the admission of Catholics to high civil trust, the first step was made to its execution by the appointment of the Lords Powys, Arundel, Bellasis, and Dover, to be privy counsellors. In a short time afterwards the same honour was conferred on Talbot, who was created Earl of Tyrconnel, and destined to be the Catholic Lord Lieutenant of Ireland. Sheffield, Earl of Mulgrave, a man who professed indifference in religion, but who acquiesced in all the worst measures of this reign, was appointed a member of the Ecclesiastical Commission.<sup>b</sup> Cartwright, Dean of Ripon, whose talents were disgraced by peculiarly infamous vices, was raised to the vacant bishopric of Chester, in

<sup>a</sup> Barillon,  $\frac{6}{16}$  Sept. and  $\frac{13}{23}$  Sept. 1686. Fox MSS. i. 149. 151.; a full and apparently accurate account of these divisions among the commissioners.

<sup>b</sup> D'Adda, in his letter,  $\frac{21 \text{ Oct.}}{1 \text{ Nov.}}$  1686, represents Mulgrave as favourable to the Catholics.

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spite of the recommendation of Sancroft, who, when consulted by James, proposed Jeffreys, the chancellor's brother, for that see.\* But the merit of Cartwright, which prevailed even over that connection, consisted in having preached a sermon, in which he inculcated the courtly doctrine, that the promises of kings were declarations of a favourable intention, not to be considered as morally binding. A resolution was taken to employ Catholic ministers at the two important stations of Paris and the Hague, "it being," said James to Barillon, "almost impossible to find an English Protestant who had not too great a consideration for the Prince of Orange."<sup>b</sup> White, an Irish Catholic of considerable ability, who had received the foreign title of Marquis D'Albyville, was sent to the Hague, partly, perhaps, with a view to mortify the Prince of Orange. It was foreseen that the known character of this adventurer would induce the Prince to make attempts to gain him; but Barillon advised his master to make liberal presents to the minister, who would prefer the bribes of Louis, because the views of that monarch agreed with those of his own sovereign and the interests of the Catholic religion.<sup>c</sup> James even proposed to the Prince of Orange to appoint a Catholic nobleman of Ireland, Lord Carlingford, to the command of the British regiments, a proposition which, if accepted, would embroil that Prince with all his friends in England, and if rejected, as it must have been known that it would be, gave the King a new pretext for displeasure to be avowed at a convenient season. But no part of the foreign policy of the King is so much connected with our

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with Rome.

\* D'Oyley's *Life of Sancroft*, i. 235., where the Archbishop's letter to the King (dated 29th July, 1685,) is printed.

<sup>b</sup> Barillon,  $\frac{12}{22}$  Juill. 1686.

\* "M. le Prince d'Orange fera ce qu'il pourra pour le gagner; mais je suis persuadé qu'il aimera mieux être dans les intérêts de votre Majesté, sachant bien qu'ils sont conformés à ceux du Roi son maître, et que c'est l'avantage de la religion Catholique." Four thousand livres, which Barillon calculates as then equivalent to three hundred pounds sterling, were given to D'Albyville in London. Two thousand more were to be advanced to him at the Hague.

Bar.  $\frac{22 \text{ August}}{2 \text{ Sept.}}$  1686. Fox MSS. i. 147.

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present subject as the renewal of that open intercourse with the See of Rome which was prohibited by the unrepealed laws passed in the reigns of Henry VIII. and Elizabeth. Monsignor D'Adda had arrived in England before the meeting of parliament, as the minister of the Pope, but appeared at court in the beginning only as a private gentleman. In a short time, James informed him that he might assume the public character of his Holiness's minister, with the privilege of a chapel in his house, and the other honours and immunities of that character, without going through the formalities of a public audience. The assumption of this character James represented as the more proper, because he was about to send a solemn embassy to Rome as his Holiness's most obedient son.<sup>a</sup> D'Adda professed great admiration for the pious zeal and filial obedience of the King, and for his determination, as far as possible, to restore religion to her ancient splendour<sup>b</sup>; but he dreaded the precipitate measures to which James was prompted by his own disposition and by the party of zealots who surrounded him. He did not assume the public character till two months afterwards, when he received instructions to that effect from Rome. Hitherto the King had coloured his interchange of ministers with the Roman court under the plausible pretext of maintaining diplomatic intercourse with the government of the Ecclesiastical State as much as with the other princes of Europe. But his zeal soon became impatient of this slight disguise. In a few days after D'Adda had announced his intention to assume the public character of a minister, Sunderland came to him to convey his Majesty's desire that he might take the title of nuncio, which would, in a more formal and solemn manner, distinguish him from other ministers as the representative of the Apostolic See. D'Adda was surprised at this rash proposal.<sup>c</sup>

<sup>a</sup> D'Adda,  $\frac{4}{14}$  Dec. 1685.

<sup>b</sup> Id.  $\frac{21}{31}$  Dec. 1685.

<sup>c</sup> Id.  $\frac{12}{22}$  Feb. 1686. "Io restar alquanto sorpreso da questo ambasciato."



The court of Rome long hesitated, from aversion to the foreign policy of James, from a wish to moderate rather than encourage the precipitation of his domestic counsels, and from apprehension of the insults which might be offered to the Holy See, in the sacred person of its nuncio, by the turbulent and heretical populace of London.

The King had sent the Earl of Castlemain, the husband of the Duchess of Cleveland, as his ambassador to Rome. "It seemed singular," said Barillon, "that he should have chosen for such a mission a man so little known on his own account, and too well known on that of his wife."<sup>a</sup> The ambassador, who had been a polemical writer in defence of the Catholics<sup>b</sup>, and who was almost the only innocent man acquitted on the prosecutions for the Popish plot, seems to have listened more to zeal and resentment than to discretion in the conduct of his delicate negotiation. He probably expected to find nothing but religious zeal prevalent at the papal councils. But Innocent XI. was influenced by his character as a temporal sovereign. He considered James not solely as an obedient son of the church, but rather as the devoted or subservient ally of Louis XIV. As Prince of the Roman state, he resented the outrages offered to him by that monarch, and partook with all other states the dread justly inspired by his ambition and his power. Even as head of the church, the merits of Louis as the persecutor of the Protestants<sup>c</sup> did not, in the eye of Innocent, atone for his encouraging the Gallican church in their recent resistance to the unlimited authority of the Roman pontiff. These discordant feelings and embroiled interests, which it would have required the utmost

<sup>a</sup> Barillon,  $\frac{19}{29}$  Oct. 1685. Fox, Appendix, cxxii.

<sup>b</sup> Dod, Ch. Hist. 450.

<sup>c</sup> It appears by the copy of a letter in my possession from Don Pedro Ronquillo, the Spanish ambassador in London, to Don Francesco Bernado de Quixos,  $\frac{26 \text{ March,}}{5 \text{ April,}}$  1686, that Innocent, though he publicly applauded the zeal of Louis, did not in truth approve the revocation of the edict of Nantes.

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address and temper to reconcile, were treated by Castlemain with the rude hand of an inexperienced zealot. Hoping, probably, to be received with open arms as the forerunner of the reconciliation of a great kingdom, he was displeased at the reserve and coldness with which the pontiff treated him, and instead of patiently labouring to overcome obstacles which he ought to have foreseen, he resented them with a violence more than commonly foreign from the decorum of the papal court. He was instructed to solicit a cardinal's hat for Prince Rinaldo of Este, the Queen's brother; a moderate suit, the consent to which was for a considerable time retarded from an apprehension of strengthening the French interest in the sacred college. The second request was that the Pope would confer a titular bishoprick<sup>a</sup> on Edward Petre, an English Jesuit of noble family, who, though not formally the King's confessor<sup>b</sup>, had more influence on his mind than any other ecclesiastic. This honour was desired in order to qualify this gentleman for performing with more dignity the duties of dean of the Chapel Royal. Innocent declined, on the ground that the Jesuits were prohibited by their institution to accept bishopricks, and that he should sooner make a Jesuit a cardinal than a bishop. But as the popes had often dispensed with this prohibition, Petre himself rightly conjectured that the ascendant of the Austrian party at Rome, who looked on him with an evil eye as a partisan of France, was the true cause of the refusal.<sup>c</sup> The King afterwards solicited for his favourite the higher dignity of cardinal. But he was finally refused, though with profuse civility<sup>d</sup>, from the same motive, but under the pretence that there had been no Jesuit cardinal since Bellarmine, the great controversialist of the Roman Catholic church.<sup>e</sup> Besides these

<sup>a</sup> "In partibus infidelium," as it is called. Barill. <sup>17</sup>/<sub>27</sub> June, 1686. Fox MSS. i. 130.

<sup>b</sup> This office was held by a learned Jesuit, named Warner. Dod, Ch. Hist. iii. 491.

<sup>c</sup> Barillon, <sup>22 Nov.</sup>/<sub>2 Dec.</sub> 1686. Fox MSS. i. 160.

<sup>d</sup> Dod, Ch. Hist. iii. 511., where the official correspondence in 1687 is published.

<sup>e</sup> D'Adda, <sup>28 July,</sup>/<sub>8 Agosto,</sub> 1687.

personal objects, Castlemain laboured to reconcile the Pope to Louis XIV., and to procure the interposition of Innocent for the preservation of the general peace. But of these objects, specious as they were, the attainment of the first would strengthen France, and that of the second imported a general acquiescence in her unjust aggrandizement. Even the triumph of monarchy and popery in England, together with the projects already entertained for the suppression of the Northern heresy, as the Reformation was then called, and for the conquest of Holland, which was considered as a nest of heretics, could not fail to alarm the most zealous of those Catholic powers who dreaded the power of Louis, and were averse to strengthen his allies. It was impossible that intelligence of such suggestions at Rome should not immediately reach the courts of Vienna and Madrid, or should not be communicated by them to the Prince of Orange. Castlemain suffered himself to be engaged in contests for precedency with the Spanish minister, which served, and were perhaps intended, to embroil him more deeply with the Pope. James at first resented the refusal to promote Petre<sup>a</sup>, and for a time seemed to espouse the quarrel of his ambassador. D'Adda was obliged, by his station, and by his intercourse with Lord Sunderland, to keep up friendly appearances with Petre, but Barillon easily discovered that the papal minister disliked that Jesuit and his order, whom he considered as devoted to France.<sup>b</sup> The Pope instructed his minister to complain of the conduct of Castlemain, as very ill becoming the representative of so pious and so prudent a king. D'Adda made this representation to James at a private audience where the Queen and Lord Sunderland were present. That zealous princess, with more fervour than dignity, often interrupted his narrative by exclamations of horror at the liberty with which a Catholic

<sup>a</sup> Barillon,  $\frac{22 \text{ Nov.}}{2 \text{ Dec.}}$  ubi suprâ.

<sup>b</sup> Barillon,  $\frac{7}{17}$  June, 1686. Fox MSS. 133. Barillon,  $\frac{28 \text{ Feb.}}{10 \text{ Mar.}}$  1687. Fox, i. 174.

CHAP. II. minister had spoken to the successor of St. Peter.<sup>a</sup> Lord Sunderland said to him, "The King will do whatever you please." 1686. James professed the most unbounded devotion to the Holy See; and assured D'Adda that he would write a letter to his Holiness, to express his regret for the unbecoming conduct of his ambassador.<sup>b</sup> When this submission was made, Innocent formally forgave Castlemain for his indiscreet zeal in promoting the wishes of his sovereign<sup>c</sup>; and James publicly announced the admission of his ambassador at Rome into the Privy Council, both to console the unfortunate minister, and the more to show how much he set at defiance the laws which forbade both the embassy and the preferment.<sup>d</sup>

<sup>a</sup> D'Adda,  $\frac{13}{23}$  May, 1687. "Jesu, e possibile!"

<sup>b</sup> D'Adda,  $\frac{20 \text{ May}}{30 \text{ May}}$  and  $\frac{27 \text{ May}}{6 \text{ Guig.}}$  1687.

<sup>c</sup> Letter of Innocent XI. to James, 16 Aug. 1687. Dod, Ch. Hist. iii. 511.

<sup>d</sup> Lond. Gaz. 26 Sept. 1687.

## CHAP. III.

STATE OF THE ARMY. — ATTEMPTS OF THE KING TO CONVERT THE ARMY. — THE PRINCESS ANNE. — DRYDEN. — LORD MIDDLETON AND OTHERS. — REVOCATION OF THE EDICT OF NANTES. — ATTEMPT TO CONVERT ROCHESTER. — CONDUCT OF THE QUEEN. — RELIGIOUS CONFERENCE. — FAILURE OF THE ATTEMPT. — HIS DISMISSAL.

DURING the summer, the King had assembled a body of 15,000 troops, who were encamped on Hounslow Heath; a spectacle new to the people of England, who, though full of martial spirit, have never regarded with favour the separate profession of arms.<sup>a</sup> He viewed this encampment with a complacency natural to princes, and he expressed his feelings to the Prince of Orange in a tone of no friendly boast.<sup>b</sup> He caressed the officers, and he openly declared that he should keep none but those on whom he could rely.<sup>c</sup> A Catholic chapel was opened on the camp, and missionaries were distributed among the soldiers. The numbers of the army rendered it an object of very serious consideration. Supposing it to be only 32,000 in England and Scotland, it was double the number kept up in Great Britain in the year 1792,

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<sup>a</sup> The army, on the 1st of January, 1685, amounted to 19,978. Accounts in the War Office. The number of the army in Great Britain in 1824 is 22,019 (Army Estimates), the population being 14,391,681 (Population Returns); which gives a proportion of nearly one out of every 654 persons, or of one soldier out of every 160 men of the fighting age. The population of England and Wales, in 1685, not exceeding five millions, the proportion of the army to it was one soldier to every 250 persons, or of one soldier to every sixty-five men of the fighting age. Scotland, in 1685, had a separate establishment. The army of James, at his accession, therefore, was more than twice and a half greater in comparison with the population than the present force (1822). The comparative wealth, if it could be estimated, would probably afford similar results.

<sup>b</sup> James to the Prince of Orange, 29 June, 1686. Dalry, Appendix to Books iii. & iv.

<sup>c</sup> Barillon, 8 July, 1686. Dalry. Id.

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when the population of the island had certainly more than doubled. As it was kept on foot without consent of parliament, there was no limit to its numbers, but the means of supporting it possessed by the King; which might be derived from the misapplication of funds granted for other purposes, or be supplied by foreign powers interested in destroying the liberties of the kingdom. The means of governing this army were at first a source of perplexity to the King; but, in the sequel, a new object of apprehension to the people. The petition of right, in affirmance of the ancient laws, had forbidden the exercise of martial law within the kingdom.<sup>a</sup> The ancient mode of establishing those summary jurisdictions and punishments which seem to be necessary to secure the obedience of armies was, in a great measure, wanting. The servile ingenuity of aspiring lawyers was, therefore, set at work to devise some new expedient for more easily destroying the constitution, according to the forms of law. For this purpose they revived the provisions of some ancient statutes<sup>b</sup>, which had made desertion a capital felony, though these statutes were, in the opinion of the best lawyers, either repealed, or confined to soldiers serving in the case of actual or immediately impending hostilities. Even this device did not provide the means of punishing the other military offences, which are so dangerous to the order of armies, that there can be little doubt of their having been actually punished by other means, however confessedly illegal. Several soldiers were tried, convicted, and executed for the felony of desertion; and the scruples of Judges on the legality of these proceedings induced the King more than once to recur to his ordinary measure for the purification of tribunals, by the removal of the Judges, and by the dismissal from the recordership of London of Sir John Holt, who was destined, in better times, to be one of the most inflexible guardians of the laws. The only person who ventured to express the general

<sup>a</sup> Statute 3 Charles I. c. 1.

<sup>b</sup> 7 H. VII. c. 1. 3 H. VIII. c. 5.; & 2 & 3 Edw. VI. c. 2. Hale, Pleas of the Crown, Book i. c. 63.

feeling respecting the army was Mr. Samuel Johnson, who had been chaplain to Lord Russell, and who was then in prison for a work which he published some years before against the succession of James, under the title of *Julian the Apostate*.<sup>a</sup> He now wrote, and sent to an agent to be dispersed (for there was no proof of actual dispersion or sale<sup>b</sup>), an address to the army, expostulating with them on the danger of serving under illegally commissioned officers, and for objects inconsistent with the safety of their country. He also wrote another paper, in which he asserted that "resistance may be used in case our religion or our rights should be invaded." For these acts he was tried, convicted, and sentenced to pay a small fine, to be thrice pilloried, and to be whipped by the common hangman from Newgate to Tyburn. For both these publications, his spirit was, doubtless, deserving of the highest applause. The prosecution in the first case can hardly be condemned, and the conviction still less. But the cruelty of the punishment reflects the highest dishonour on the Judges, more especially on Sir Edward Herbert, whose high pretensions to morality and humanity deeply aggravate the guilt of his concurrence in this atrocious judgment.

Previous to the infliction of the punishment, he was degraded from his sacred character by Crew, Sprat, and White, three bishops authorised to exercise ecclesiastical jurisdiction in the diocese of London during the suspension of Compton. When, as part of the formality, the Bible was taken out of his hands, he struggled to preserve it, and, bursting into tears, cried out, "You cannot take from me the consolation contained in the sacred volume." The barbarous judgment was "executed with great rigour and cruelty."<sup>c</sup> In the course of a painful and ignominious progress of two miles through crowded streets, he received 317 stripes, inflicted with a whip of nine cords knotted. It will be a consolation to the

<sup>a</sup> State Trials, xi. 1339.

<sup>b</sup> In fact, however, many were dispersed. Kennett, iii. 450.

<sup>c</sup> Comm. Journ. 24 June, 1690. These are the words of the Report of a Committee who examined evidence on the case, and whose resolutions were adopted by the house. They sufficiently show that Echard's extenuating statements are false.

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reader, as soon as he has perused the narrative of these enormities, to learn, though with some disturbance to the order of time, that amends were in some measure made to Mr. Johnson, and that his persecutors were reduced to the bitter mortification of humbling themselves before their victim. After the Revolution, the judgment pronounced on him was voted by the House of Commons to be illegal and cruel.<sup>a</sup> Crew, Bishop of Durham, one of the commissioners who deprived him, made him a considerable compensation in money<sup>b</sup>; and Withins, the Judge who delivered the sentence, counterfeited a dangerous illness, and pretended that his dying hours were disturbed by the remembrance of what he had done, in order to betray Johnson, through his humane and Christian feelings, into such a declaration of forgiveness as might contribute to shelter the cruel Judge from further animadversion.<sup>c</sup>

The desire of the King to propagate his religion was a natural consequence of zealous attachment to it. But it was a very dangerous quality in a monarch, especially when the principles of religious liberty were not adopted by any European government. The royal apostle is seldom convinced of the good faith of the opponent whom he has failed to convert. He soon persuades himself that the pertinacity of the heretic arises more from the depravity of his nature than from the errors of his judgment. He first shows displeasure to his perverse antagonists; he then withdraws advantages from them; he, in many cases, may think it reasonable to bring them to reflection by some degree of hardship; and the disappointed disputant may at last degenerate into a furious persecutor. The attempt to convert the army was peculiarly dangerous to the King's own object. He boasted of the number of converts in one of his regiments of Guards, without considering the consequences of teaching controversy to an army. The political canvas carried on among the officers, and the con-

<sup>a</sup> Comm. Journ. ubi suprâ.

<sup>c</sup> State Trials, xi. 1354.

<sup>b</sup> Narciss. Lutterell, February, 1690.



troversial sermons preached to the soldiers, probably contributed to awaken that spirit of enquiry and discussion in his camp which he ought to have dreaded as his most formidable enemy. He early destined the revenue of the Archbishop of York to be a provision for converts.<sup>a</sup> He probably was sincere in his professions, that he meant only to make it a provision for those who had sacrificed interest to religion. But experience shows how easily such a provision swells into a reward, and how naturally it at length becomes a premium for hypocrisy. It was natural that his passion for proselytes should show itself towards his own children. The Pope, in his conversations with Lord Castlemain, said, that without the conversion of the Princess Anne, no advantage obtained for the Catholic religion could be permanently secured.<sup>b</sup> The King assented to this opinion, and had, indeed, before attempted to dispose his daughter favourably to his religion, influenced probably by parental kindness, which was one of his best qualities.<sup>c</sup> He must have considered as hopeless the case of his eldest daughter, early removed from her father, and the submissive as well as affectionate wife of a husband of decisive character, and who was the leader of the Protestant cause. To Anne, therefore, his attention was turned. But with her he found insurmountable difficulties. Both these princesses, after their father had become a Catholic, were considered as the hope of the Protestant religion, and accordingly trained in the utmost horror of popery. Their partialities and resentments were regulated by difference of religion; their political importance and their splendid prospects were dependent on the Protestant church. Anne was surrounded by zealous churchmen; she was animated by her preceptor Compton; her favourites Lord and Lady Churchill had become determined partisans of Protestantism; and the King found,

<sup>a</sup> D'Adda, 30 April,  
10 Maggio, 1686.

<sup>b</sup> Barillon, 17 June,  
27 June, 1686. Fox MSS. i. 134.

<sup>c</sup> D'Adda, 30 April,  
10 Maggio, 1686.

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 1686. to be apprehended from a young princess of slight understanding.<sup>a</sup> Some of the reasons of this zeal for converting her clearly show that, whether the succession was actually held out to her as a lure or not, at least there was an intention, that if she became a Catholic she should be preferred to the Princess of Orange. Bonrepaux, a French minister of ability, who has been already mentioned, had indeed, at a somewhat earlier period, tried the effect of that temptation on her husband, Prince George.<sup>b</sup> He ventured to ask his friend the Danish envoy, "whether the Prince had any ambition to raise his consort to the throne at the expense of the Princess, which seemed to be practicable if he became a Catholic." The envoy hinted this bold suggestion to the Prince, who appeared to receive it well, and even showed a willingness to be instructed on the controverted questions. Bonrepaux found means to supply the Princess with Catholic books, which, for a moment, she showed some willingness to consider. He represented her to his court as timid and silent, but ambitious and of some talent, with a violent hatred for the Queen. He reported his attempts to the King, who listened to him with the utmost pleasure; and the subtle diplomatist observes, that, though he might fail in the conversion, he should certainly gain the good graces of James by the effort, which his knowledge of that monarch's hatred of the Prince of Orange had been his chief inducement to hazard.

The success of the King himself, in his attempts to make proselytes, was less than might have been expected from his zeal and influence. Parker, originally a zealous Nonconformist, afterwards a slanderous buffoon, and an Episcopalian of persecuting principles, earned the bishopric of Oxford by showing a strong disposition to favour, if not to be reconciled to, the Church of Rome. Two bishops publicly visited Mr. Leyburn the Catholic prelate,

<sup>a</sup> Barillon, ubi suprâ.

<sup>b</sup> Bonrepaux à Seignelai, 18 March, 1686. Fox MSS. i. 95.  
28 Mars,

at his apartments in St. James's Palace, on his being made almoner to the King, when it was, unhappily, impossible to impute their conduct to liberality or charity.<sup>a</sup> Walker, the master of University College in Oxford, and three of the fellows of that society, were the earliest and most noted of the few open converts among the clergy. L'Estrange, though he had for five-and-twenty years written all the scurrilous libels of the court, refused to abandon the Protestant Church. Dryden, indeed, conformed to the doctrines of his master<sup>b</sup>; and neither the critical time, nor his general character, have been sufficient to deter some of the admirers of that great poet from seriously maintaining that his conversion was real. The same persons who make this stand for the conscientious character of the poet of a profligate court, have laboured with all their might to discover and exaggerate those human frailties from which fervid piety and intrepid integrity did not altogether preserve Milton, in the evil days of his age, and poverty, and blindness.<sup>c</sup> The King failed in a personal attempt to convert Lord Dartmouth, whom he considered as his most faithful servant for having advised him to bring Irish troops into England, as they were more worthy of trust than others<sup>d</sup>; a remarkable instance of a man of honour who adhered inflexibly to the Church of

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<sup>a</sup> D'Adda, 11 January, 1686. The King and Queen took the sacrament at St. James's  
21 Jenn,

Chapel. "Portando la Spado avanti S. M. il Duca di Gordon, Scozzese Cattolico, Monsig<sup>re</sup> Vescovo Leyburn, e passato da alcuni giorni nell' appartamento de St. James destinato al gran Elimosiniere de S. M. in habito lungo nero portando la croce nera, si fa vedere in publico visitandolo ministri de Principi e altri: furono un giorno per fargli una visita due vescovi Protestanti." As this occurred before the promotion of the two profligate prelates, Parker and Cartwright, one of these visitors must have been Crew, and the other was, too probably, Spratt. The former had been appointed Clerk of the Closet and Dean of the Chapel Royal a few days before.

<sup>b</sup> "Dryden, the famous play-writer, and his two sons, and Mrs. Nelly, were said to go to mass. Such proselytes were no great loss to the church." Evelyn, i. 594. 19 Jan. 1686. The rumour, as far as it related to Mrs. Gwynne, was calumnious.

<sup>c</sup> Compare Dr. Johnson's biography of Milton with his generally excellent life of Dryden.

<sup>d</sup> D'Adda, 30 April, 1686. "Diceva il Re che il detto Milord veramente gli aveva dato  
10 Maggio, consigli molto fedeli, uno di quelle era stato di far venire truppi Irlandesi in Inghilterra, nelle quali poteva S. M. meglio fidarsi che negle altri."

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England, though his counsels relating to civil affairs were the most fatal to public liberty. Middleton, one of the secretaries of state, a man of ability, supposed to have no strong principles of religion, was equally inflexible. The Catholic divine who was sent to him began by attempting to reconcile his understanding to the mysterious doctrine of transubstantiation. "Your Lordship," said he, "believes the Trinity."—"Who told you so?" answered Middleton. "You are come here to prove your own opinions, not to ask about mine." The astonished priest is said to have immediately retired. Sheffield, Earl of Mulgrave, is also said to have sent away a monk who came to convert him by a jest upon the same doctrine:—"I have convinced myself," said he, "by much reflection that God made man; but I cannot believe that man can make God." But though there is no reason to doubt his pleasantry or profaneness, his integrity is more questionable. He was made lord chamberlain immediately after Jeffrey's circuit.<sup>a</sup> He was appointed a member of the Ecclesiastical Commission when Sancroft refused to act.<sup>b</sup> He continued in that office to the last. He held hopes that he might be converted to a very late period of the reign.<sup>c</sup> He was employed by James to persuade Sir George Mackenzie to consent to the removal of the test.<sup>d</sup> He brought a patent for a marquisate to the King when on the eve of quitting the kingdom<sup>e</sup>; and in the month of October, 1688, he thought it necessary to provide against the approaching storm by obtaining a general pardon.<sup>f</sup> Colonel Kirke, from whom strong scruples were hardly

<sup>a</sup> Lond. Gaz. 21st Oct. 1685, the day of Mrs. Gaunt's execution.

<sup>b</sup> Com. Journ. 4th June, 1689. The first commission passed the Great Seal on the 15th July, 1685; the second, in which Mulgrave is substituted for Sancroft, on the 22d of November, in the same year. Mulgrave's name continues in the last commission, 14th Oct. 1687.

<sup>c</sup> Barillon, <sup>20 August,</sup>  
<sup>30 Août,</sup> 1687. Fox MSS. i. 199. "Il est assez apparent qu'il a donné les

assurances au Roi d'Angleterre de se déclarer Catholique; mais il diffère de le faire, et ceux qui le connoissent davantage croient qu'il ne le fera plus."

<sup>d</sup> Halifax MS.

<sup>e</sup> Id. ibid. "Half an hour before King James went away."

<sup>f</sup> State Paper Office. Had not Lord Mulgrave written some memoirs of his own time, his importance as a statesman would not have deserved so full an exposure of his political character.

to be expected, is said to have answered the King's desire, that he would listen to Catholic divines, by declaring, that when he was at Tangier he had engaged himself to the Emperor of Morocco, if ever he changed his religion, to become a Mahometan. Lord Churchill, though neither insensible to the kindness of James, nor distinguished by a strict conformity to the precepts of religion, withstood the attempts of his generous benefactor to bring him over to the church of Rome. He said of himself, that though he had not led the life of a saint, he trusted that he had the courage to die the death of a martyr.\*

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So much constancy in religious opinion may seem singular among courtiers and soldiers: but it must be considered, that the inconsistency of men's actions with their opinions is more often due to infirmity than to insincerity; that the members of the Protestant party were restrained from deserting it by principles of honour; and that the disgrace of desertion was much aggravated by the general unpopularity of the adverse cause, and by the violent animosity then raging between the two parties who divided England and Europe.

Nothing so much excited the abhorrence of all Protestant nations against Louis XIV. as the measures which he adopted against his subjects of the Protestant religion. As his policy on that subject contributed to the downfall of James, it seems proper to state it more fully than the internal occurrences of a foreign country ought generally to be treated in English history. The opinions of the Reformers, which triumphed in some countries of Europe, and were wholly banished from others, had very early divided France and Germany into two powerful but unequal parties. The wars between the princes of the empire which sprung from this source, after a period of 150 years, were finally composed by the treaty of Westphalia. In France, where religious enthusiasm was exasperated by the lawless character and mortal animosities of civil war, these hostilities raged for near forty years

Revocation  
of the edict  
of Nantes.

\* Lord Churchill to Prince of Orange. Cox's Mem.

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with a violence unparalleled in any civilised age or country. As soon as Henry IV. had established his authority by conformity to the worship of the majority of his people, the first object of his paternal policy was to secure the liberty of the Protestants, and to restore the quiet of the kingdom by a general law on this equally arduous and important subject. The contending opinions in their nature admitted no negotiation or concession. The simple and effectual expedient of permitting them all to be professed with equal freedom was then untried in practice, and almost unknown in speculation. The toleration of error, according to the received principles of that age, differed little from the permission of crimes. Amidst such opinions it was extremely difficult to frame a specific law for the government of hostile sects; and the edict of Nantes, passed by Henry for that purpose in the year 1598, must be considered as honourable to the wisdom and virtue of his Catholic counsellors. This edict<sup>a</sup>, said to be composed by the great historian De Thou, was founded on the principle of a treaty of peace between belligerent parties, sanctioned and enforced by the royal authority. Though the transaction was founded merely in humanity and prudence, without any reference to religious liberty, some of its provisions were conformable to the legitimate results of that great principle. All Frenchmen of the reformed religion were declared to be admissible to every office, civil and military, in the kingdom; and they were received into all schools and colleges without distinction. Dissent from the Established Church was exempted from all penalty or civil inconvenience. The public exercise of the Protestant religion was confined to those cities and towns where it had been formerly granted, and to the mansions of the gentry who had seignorial jurisdiction over capital crimes. It might, however, be practised in other places by the permission of the Catholics, who were lords of the respective manors. Wherever the worship of the Protestants was lawful, their religious books

<sup>a</sup> The original edict is to be found in Benoit, *Hist. de l'Edit de Nantes*, Appendix, p. 62—85.

might freely be bought and sold. They might inhabit any part of the kingdom without molestation for their opinion; and private worship was every where protected by the exemption of their houses from all legal search on account of religion. These restrictions, though they show the edict to be a pacification between parties, with little regard to the conscience of individuals, yet do not seem in practice to have much limited the religious liberty of French Protestants.

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To secure an impartial administration of justice, chambers, in which Protestants and Catholics were in equal numbers, were established in the principal parliaments.<sup>a</sup> The edict was declared to be a perpetual and irrevocable law. By a separate grant executed at Nantes, the King authorised the Protestants, for eight years, to garrison the towns and places of which they were at that time in military possession, and to hold them under his authority and obedience. The possession of these places of security was afterwards continued from time to time, and the expense of their garrisons defrayed by the crown. Some cities also, where the majority of the inhabitants were Protestants, and where the magistrates, by the ancient constitution, regulated the armed force, with little dependence on the crown, such as Nismes, Rochelle, and Montauban<sup>b</sup>, though not formally garrisoned by the reformed, still constituted a part of their military security for the observance of the edict. An armed sect of dissenters must have afforded many plausible pretexts for attacking them; and Cardinal Richelieu had justifiable reasons of policy for depriving the Protestants of those important fortresses, the possession of which gave them the character of an independent republic, and naturally led them into dangerous connection with Protestant and rival states. His success in accomplishing that important enterprise is one of the most splendid parts of his administration; though he owed the reduction of Rochelle to the feebleness and lukewarmness, if not

<sup>a</sup> Paris, Thoulouse, Grenoble, and Bourdeaux. The Chambers of the Edict at Paris took cognizance of all causes where Protestants were parties in Normandy and Britany.

<sup>b</sup> Cautionary towns. — "La Rochelle surtout avait des traités avec les Rois de France qui la rendoient presque indépendante." Benoit, 251.

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to the treachery, of the court of England. Richelieu discontinued the practice of granting the royal licence to the Protestant body to hold political assemblies; and he adopted it as a maxim of permanent policy, that the highest dignities of the army and the state should be granted to Protestants only in cases of extraordinary merit. In other respects that haughty minister treated the Protestants as a mild conqueror. When they were reduced to entire submission, in 1629, an edict of pardon was issued at Nismes, confirming all the civil and religious principles which had been granted by the edict of Nantes.\* At the moment that they were reduced to the situation of private subjects, they disappear from the history of France. They are not mentioned in the dissensions which disturbed the minority of Louis XIV. They are not named by that Prince in the enumeration which he gives of objects of public anxiety at the period which preceded his assumption of the reins of government, in 1660. The great families attached to them by birth and honour during civil war were gradually allured to the religion of the court; while those of inferior condition, like the members of other sects excluded from power, applied themselves to the pursuit of wealth, and were patronised by Colbert as the most ingenious manufacturers in France. A declaration, prohibiting the relapse of converted Protestants under pain of confiscation, indicated a disposition to persecute, which that prudent minister had the good fortune to check. An edict punishing emigration with death, though long after turned into the sharpest instrument of intolerance, seems originally to have flowed solely from the general prejudices on that subject, which have infected the laws and policy of most states. Till the peace of Nimeguen, when Louis had reached the zenith of his power, the French Protestants experienced only those minute vexations from which sectaries, discouraged by a

\* Benoit, *Hist. de l'Edit de Nantes*, ii. App. 92. (Madame de Ducas, the sister of Turenne, was so zealous a Protestant that she wished to educate as a minister her son, who afterwards went to England, and became Lord Feversham. Benoit, *Hist. de l'Edit*, iv. 129.)



government are seldom secure. The immediate cause of a general and open departure from the moderate system, under which France had enjoyed undisturbed quiet for half a century, is to be discerned only in the character of the King, and the inconsistency of his conduct with his opinions. Those conflicts between his disorderly passions and his unenlightened devotion, which had long agitated his mind, were at last composed under the ascendant of Madame de Maintenon; and in this situation he was seized with a desire of signalling his penitence, and atoning for his sins, by the conversion of his heretical subjects.\* The prudence as well as moderation of Madame de Maintenon prevented her from counselling the employment of violence against the members of her former religion, nor do such means appear to have been distinctly contemplated by the King; still she dared not moderate the zeal on which her greatness was founded. But the passion for conversion, armed with absolute power, fortified by the sanction of mistaken conscience, intoxicated by success, exasperated by resistance, anticipated and carried beyond its purpose by the zeal of subaltern agents, deceived by their false representations, and often irrevocably engaged by their rash acts, too warm to be considerate in choosing means or weighing consequences, led the government of France, under a prince of no cruel nature, by an almost unconscious progress, in the short space of six years, from a successful system of toleration to the most unprovoked and furious persecution ever carried on against so great, so innocent, and so meritorious a body of men. The Chambers of the Edict were suppressed on general grounds of judicial reformation, and because the concord between the two religions rendered them no longer necessary. By a series of edicts the Protestants were excluded from all public offices, and from all professions which were said to give them a dangerous influence over opinion. They

\* "Le Roi pense sérieusement à la conversion des hérétiques, et dans peu on y travaillera tout de bon." Lettre de Mad. de Maintenon, Oct. 28. 1679.

The work of M. de Rulhière on the Causes of the Revocation of the Edict of Nantes (Paris, 1788), first made known the fatal history of this fatal transaction.

CHAP. III. were successively rendered incapable of being judges, advocates,  
1686. attorneys, notaries, clerks, officers, or even attendants of courts of law. They were banished in multitudes from places in the revenue, to which their habit of method and calculation had directed their pursuits. They were forbidden to exercise the occupations of printers and booksellers.\* Even the pacific and neutral profession of medicine, down to its humblest branches, was closed to their industry. They were prohibited from intermarriage with Catholics, and from hiring Catholic domestics, without exception of convenience or necessity. Multitudes of men were thus driven from their employments, without any regard to their habits, expectations, and plans, which they had formed on the faith of the laws. Besides the misery which immediately flowed from these acts of injustice, they roused and stimulated the bigotry of those, who need only the slightest mark of the temper of government to inflict on their dissenting countrymen those minute but ceaseless vexations which embitter the daily course of human life.

As the edict of Nantes had only permitted the public worship of Protestants in certain places, it had often been a question whether particular churches were erected conformably to that law. The renewal and multiplication of suits on this subject furnished the means of striking a dangerous blow against the reformed religion. Prejudice and servile tribunals adjudged multitudes of churches to be demolished by decrees which were often illegal, and always unjust. By these judgments a hundred thousand Protestants were, in fact, prohibited from the exercise of their religion. They were deprived of the means of educating their clergy by the suppression of their flourishing colleges at Sedan, Saumur, and Montauban, which had long been numbered among the chief ornaments of Protestant Europe. Other expedients were devised to pursue them into their families, and harass them in those situations where the disturbance of quiet inflicts the deepest wounds on human nature. The local judges were authorised and

\* It is singular that they were not excluded from the military service by sea or land.

directed to visit the death-beds of Protestants, and to interrogate them whether they determined to die in obstinate heresy. Their children were declared competent to abjure their errors at the age of seven; and by such mockery of conversion they might escape, at that age, from the affectionate care of their parents. Every childish sport was received as evidence of abjuration. Every parent dreaded the presence of a Catholic neighbour, as the means of ensnaring a child into irrevocable alienation. Each of these disabilities or severities was inflicted by a separate edict; and each was founded on the allegation of some special grounds, which seemed to guard against any general conclusion at variance with the privileges of Protestants.

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On the other hand, a third of the King's savings on his privy purse was set apart to recompense converts to the established religion. The new converts were allowed a delay of three years for the payment of their debts; and they were exempted for the same period from the obligation of affording quarters to soldiers. This last privilege seems to have suggested to Louvois, a minister of great talent but of tyrannical character, a new and more terrible instrument of conversion. He despatched regiments of dragoons into the Protestant provinces, with instructions that they should be almost entirely quartered on the richer Protestants. This practice, which afterwards, under the name of *Dragonnades*, became so infamous throughout Europe, was attended by all the outrages and barbarities to be expected from a licentious soldiery let loose on those whom they considered as the enemies of their King, and the blasphemers of their religion. Its effects became soon conspicuous in the feigned conversion of great cities and extensive provinces; which, instead of opening the eyes of the government to the atrocity of the policy adopted under its sanction, served only to create a deplorable expectation of easy, immediate, and complete success. At Nismes, 60,000 Protestants abjured their religion in three days.\* The King was informed

\* Mém. de Chan. D'Aguesseau.

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by one despatch that all Poitou was converted, and that in some parts of Dauphiné the same change had been produced by the terror of the dragoons without their actual presence.\*

All these expedients of disfranchisement, chicane, vexation, seduction, and military licence, almost amounting to military execution, were combined with declarations of respect for the edict of Nantes, and of resolutions to maintain the religious rights of the new churches. Every successive edict spoke the language of toleration and liberality. Every separate exclusion was justified on a distinct ground of specious policy. The most severe hardships were plausibly represented as necessarily arising from a just interpretation and administration of the law. Many of the restrictions were in themselves small; many tried in one province, and slowly extended to all; some apparently excused by the impatience of the sufferers under preceding restraints. In the end, however, the unhappy Protestants saw themselves surrounded by a persecution which, in its full extent, had probably never been contemplated by the author; and, after all the privileges were destroyed, nothing remained but the formality of repealing the law by which these privileges had been conferred. At length, on the 18th of October, 1685, the government of France, not unwillingly deceived by feigned conversions, and, as it now appears, actuated more by sudden impulse than long-premeditated design, revoked the edict of Nantes. In the preamble of the edict of revocation it was alleged, that, as the better and greater part of those who professed the pretended reformed religion had embraced the Catholic faith, the edict of Nantes had become unnecessary. The ministers of the reformed faith were banished from France, in fifteen days, under pain of the galleys. All Protestant schools were shut up; and the unconverted were to remain in France, without annoyance on account of their religion. Soon after, the children of Protestants, from five to sixteen, were ordered to be taken from their parents, and committed to the

\* *Mém. de Dangeau in Lemontey, Mém. de Louis XIV.* The fate of the province of Bearn was peculiarly dreadful. It may be seen in *Rulhière and Benoit.*

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### Conduct of the Queen.

• Barillon, 8 July,  
18 Juillet, 1686. Fox MSS. i. 138.

<sup>b</sup> Barillon,  $\frac{23 \text{ August,}}{2 \text{ Sept.}}$  1686. Ibid.

\* Report of an agent of Louis XIV. in London, in 1686, of which a copy is in my possession.

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of his infidelities. But, in circumstances so critical, her experienced advisers dissuaded her from repeating hazardous experiments<sup>a</sup>; and the amours of her husband are said, at this time, to have become so vulgar and obscure as to elude her vigilance. She was mild and submissive to him; but she showed her suspicion of the motive of Lady Dorchester's journey by violent resentment against Clarendon, the Lord Lieutenant of Ireland, whom she believed to be privy to it, and who in vain attempted to appease her anger by the most humble, not to say abject, submissions.<sup>b</sup> She at this moment seemed to have had more than ordinary influence, and she was admitted into the secret of all affairs.<sup>c</sup> Supported, if not instigated by her, Sunderland and Petre, with the more ambitious and turbulent part of the Catholics, represented to the King that nothing favourable to the Catholics was to be hoped from parliament so long as his court and council were divided, and as he was surrounded by a Protestant cabal, at the head of which was the Lord Treasurer, who professed the most extravagant zeal for the English church; that, notwithstanding the pious zeal of his Majesty, nothing important had yet been done for religion; that not one considerable person had declared himself a Catholic; that no secret believer would avow himself, and no well-disposed Protestant would be reconciled to the church, till the King's administration was uniform, and the principles of government more decisive; that the time was now come when it was necessary for his Majesty to execute the intention which he had long entertained, either to bring the Treasurer to more just sentiments, or to remove him from the

<sup>a</sup> In a MS. among the Stuart papers in possession of his Majesty, which was written by Sheridan, Secretary for Ireland under Tyrconnel, we are told that Petre and Sunderland agreed to dismiss Mrs. Sedley, under pretence of morality, but really because she was thought the support of Rochester; and that it was effected by Lady Powis and Bishop

Giffard, to the Queen's great joy. See farther Barillon, <sup>26 August,</sup> 1686. Fox MSS. i. 148.  
<sub>5 Sept.</sub>

<sup>b</sup> Letters of Henry, Earl of Clarendon.

<sup>c</sup> Barillon, <sup>13 September,</sup> 1686. Fox MSS. i. 150.  
<sub>23 Septembre,</sub>

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important office which he filled, and thus prove to the public that there was no means of preserving power or credit but by supporting the King's measures for the Catholic religion.\* They reminded him of the necessity of taking means to perpetuate the benefits which he designed for the Catholics, and of the alarming facility with which the Tudor princes had made and subverted religious revolutions. Even the delicate question of the succession was agitated, and some had the boldness of throwing out suggestions to James on the most effectual means of ensuring a Catholic successor. These extraordinary suggestions appear to have been in some measure known to Citters, the Dutch minister, who expressed his fears that projects were forming against the rights of the Princess of Orange. The more affluent and considerable Catholics were alarmed at these daring projects. They saw, as clearly as their brethren, the dangers to which they might be exposed under a Protestant successor. But they thought it wiser to entitle themselves to his favour by a moderate exercise of their influence, than to provoke his hostility by precautions so unlikely to be effectual against his succession or his religion. Moderation had its usual fate. The faction of zealots, animated by the superstition, the jealousy, and the violence of the Queen, became the most powerful. Even at this time, however, the Treasurer was thought likely to have maintained his ground for some time longer, if he had entirely conformed to the King's wishes. His friends Ormond, Middleton, Feversham, Dartmouth, and Preston were not without hope that he might retain office. At last, in the end of October, James declared that Rochester must either go to mass, or go out of office.<sup>b</sup> His advisers repre-

\* The words of Barillon, "pour l'établissement de la religion Catholique," being capable of two senses, have been translated in the text in a manner which admits of a double interpretation. The context removes all ambiguity in this case.

<sup>b</sup> Barillon,  $\frac{25 \text{ Oct.}}{4 \text{ Nov.}}$  1686. Fox MSS. i. 157. It is curious that the report of Rochester's dismissal is mentioned by N. Lutterell on the same day on which Barillon's despatch is dated.

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sented to him that it was dangerous to leave this alternative to the Treasurer, which gave him the means of saving his place by a pretended conformity. The King replied that he hazarded nothing by the proposal, for he knew that Rochester would never conform. If this observation was sincere, it seems to have been rash; for some of Rochester's friends still believed he would do whatever was necessary, and advised him to keep his office at any price.<sup>a</sup> The Spanish and Dutch ambassadors expressed their fear of the fall of their last friend in the cabinet<sup>b</sup>; and Louis XIV. considered the measure as certainly favourable to religion and to his policy, whether it ended in the conversion of Rochester or in his dismissal; in acquiring a friend, or in disabling an enemy.<sup>c</sup> It was agreed that a conference on the questions in dispute between the Roman and English churches should be held in the presence of Rochester, by Dr. Jane and Dr. Patrick on behalf of the Church of England, and by Dr. Giffard and Dr. Tilden<sup>d</sup> on the part of the Church of Rome. It is not easy to believe that the King or his minister should have considered a real change of opinion as a possible result of such a dispute. Even if the influence of attachment, of antipathy, of honour, and of habit on the human mind were suspended, the conviction of a man of understanding on questions of great importance, then the general object of study and discussion, could hardly be conceived to depend on the accidental superiority in skill and knowledge exhibited by the disputants of either party in the course of a single debate. But the proposal, if made by one party, was too specious and popular to be prudently rejected by the other. They were alike interested in avoiding the imputation of shrinking

<sup>a</sup> Barillon,  $\frac{29 \text{ Nov.}}{9 \text{ Dec.}}$  1686. Fox MSS. i. 161.

<sup>b</sup> Barillon,  $\frac{8 \text{ Nov.}}{18 \text{ Nov.}}$  1686. Fox MSS.

<sup>c</sup> Le Roi à Barillon. Versailles,  $\frac{9}{19}$  Oct. 1686. Fox MSS. i. 162.

<sup>d</sup> This peculiarly respectable divine assumed the name of Godden; a practice to which Catholic clergymen were then sometimes reduced to elude persecution.



from an argumentative examination of their faith. The King was desirous of being relieved from his own indecision by a signal proof of Rochester's obstinacy, and in the midst of his fluctuations he may sometimes have indulged a lingering hope that the disputation might supply a decent excuse for the apparent conformity of his old friend and servant. In all prolonged agitations of the mind, it is in succession affected by motives not very consistent with each other. Rochester foresaw that his popularity among Protestants would be enhanced by his triumphant resistance to the sophistry of their adversaries. He gave the King, by consenting to the conference, a pledge of his wish to carry compliance to the utmost boundaries of integrity. He hoped to gain time. He retained the means of profiting by fortunate accidents. At least he postponed the fatal hour of removal, and there were probably moments in which his fainting virtue looked for some honourable pretence for deserting a vanquished party. The conference took place on the 30th of November.<sup>a</sup> Each of the contending parties, as usual, claimed the victory. The Protestant writers, though they agree that the Catholics were defeated, vary from each other. Some ascribe the victory to the two divines, others to the arguments of Rochester himself; and one of the disputants of the English church said that it was unnecessary for them to do much: one writer tells us that the King said he never saw a good cause so ill defended, and all agree that Rochester closed the conference with the most determined declaration that he was confirmed in his religion.<sup>b</sup> Giffard, afterwards a Catholic prelate of exemplary character, published an account of the particulars of the controversy, which gives a directly opposite account of it. In the only part of it which can in any degree be tried by historical evidence, the Catholic account of the dispute is

Religious  
conference.

<sup>a</sup> Dod, Ch. Hist. iii. 419. Barillon's short account of the conference is dated on the 12th December, which, after making allowance for the difference of calendars, makes the despatch to be written two days after the conference, which deserves to be mentioned as a proof of Dod's singular exactness.

<sup>b</sup> Burnet, Echard, and Kennet. There are other contradictions in the testimony of these historians, and it is evident that Burnet did not implicitly believe Rochester's own story.

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more probable. Rochester, if we may believe Dr. Giffard, at the end of the conference, said,—“The disputants have discoursed learnedly, and I desire time to consider.”<sup>a</sup> Agreeably to this statement, Barillon, after mentioning the dispute, told his court that Rochester still showed a disposition to be instructed with respect to the difficulties which prevented him from declaring himself a Catholic, and he adds that some even then expected that he would determine for conformity.<sup>b</sup> This despatch was written two days after the disputation by a minister who could neither be misinformed, nor could have any motive to deceive. Some time afterwards, indeed, Rochester made great efforts to preserve his place, and laboured to persuade the moderate party among the Catholics that it was their interest to support him.<sup>c</sup> He did not, indeed, offer to sacrifice his opinions; but a man who, after the loss of all confidence and real power, clung with such tenacity to mere office, under a system of which he disapproved every principle, could hardly be supposed to be unassailable. The violent or decisive politicians of the Catholic party dreaded that Rochester might still take the King at his word, and defeat all their plans by a feigned compliance; James distrusted his sincerity, suspected that his object was to amuse and temporise, and at length, weary of his own irresolution, took the decisive measure of removing the only minister by whom the Protestant party had a hold on his councils.

Dismissal of  
Rochester.

The place of Lord Rochester was accordingly supplied on the 5th of January, 1687, by commissioners, of whom two were Catholics, Lord Bellasis of the cautious, and Lord Dover of the zealous party; and the remaining three, Lord Godolphin, Sir John Ernley, and Sir Stephen Fox, were probably chosen for their capacity and experience in the affairs of finance.<sup>d</sup> Two days afterwards the parliament was prorogued, in which the Protestant

<sup>a</sup> Dod, Ch. Hist. iii. 420.<sup>b</sup> Barillon,  $\frac{2}{12}$  Dec. 1686. Fox MSS. i. 161.<sup>c</sup> Barillon,  $\frac{20}{30}$  Dec.<sup>d</sup> Lond. Gaz.

Tories, the followers of Rochester, predominated.<sup>a</sup> James endeavoured to soften the removal of his minister by a pension of 4000*l.* a year on the Post Office for a term of years, together with the polluted grant of a perpetual annuity of 1700*l.* a year out of the forfeited estate of Lord Grey<sup>b</sup>, for the sake of which the King, under a false show of mercy, had spared the life of that nobleman. The King was no longer, however, at pains to conceal his displeasure. He told Barillon that Rochester favoured the French Protestants, whom, as a term of reproach, he called Calvinists, and added that this was one of many instances in which the sentiments of the minister were opposite to those of his master.<sup>c</sup> He informed D'Adda that the Treasurer's obstinate perseverance in error had at length rendered his removal inevitable; but that wary minister adds, that they who had the most sanguine hopes of the final success of the Catholic cause were obliged to own that, at that moment, the public temper was inflamed and exasperated, and that the cry of the people was, that since Rochester was dismissed because he would not become a Catholic, there must be a design to expel all Protestants<sup>d</sup> from office.

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The fall of Rochester was preceded, and probably quickened, by an important change in the administration of Scotland; and it was also connected with a revolution in the government of Ireland, of both which events it is now necessary to relate the most important particulars.

<sup>a</sup> Lond. Gaz.

<sup>b</sup> Evelyn, i. 595.

<sup>c</sup> Barillon,  $\frac{3}{13}$  Jan. 1687. Fox MSS. i. 171.

<sup>d</sup> D'Adda,  $\frac{31 \text{ Dec. 1686,}}{10 \text{ Jan. 1687.}}$  Presentamente pare che gli animi suono inaspriti della voce

che corre tra il popolo d'esser cacciato il detto ministro per non essere Cattolico, perciò tirarsi al estermínio de Protestanti.

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## SCOTLAND.

ADMINISTRATION OF QUEENSBERRY. — CONVERSION OF PERTH. — MEASURES CONTEMPLATED BY THE KING. — DEBATES IN PARLIAMENT ON THE KING'S LETTER. — PROPOSED BILL OF TOLERATION — UNSATISFACTORY TO JAMES. — ADJOURNMENT OF PARLIAMENT. — EXERCISE OF PREROGATIVE.

## IRELAND.

CHARACTER OF TYRCONNEL. — REVIEW OF THE STATE OF IRELAND. — ARRIVAL OF TYRCONNEL. — HIS APPOINTMENT AS LORD DEPUTY. — ADVANCEMENT OF CATHOLICS TO OFFICES. — TYRCONNEL AIMS AT THE SOVEREIGN POWER IN IRELAND. — INTRIGUES WITH FRANCE.

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Administra-  
tion of  
Queens-  
berry.

THE government of Scotland, under the episcopal ministers of Charles II., was such, that, to the Presbyterians, who formed the majority of the people, "their native country had, by the prevalence of persecution and violence, become as insecure as a den of robbers."<sup>a</sup> The chief place in the administration had been filled for some years by Queensberry, a man of ability, the leader of the Episcopal party, who, in that character as well as from a matrimonial connection between their families, was disposed to an union of councils with Rochester.<sup>b</sup> Adopting the principles of his English friends, he seemed ready to sacrifice the remaining liberties of his country, but resolved to adhere to the Established Church. The acts of the first session in the reign of James are such as to have extorted from a great historian of calm temper, and friendly to the house of Stuart, the reflection that "nothing could exceed the abject servility of the Scotch nation during this period but the arbitrary severity of the administration."<sup>c</sup> Not

<sup>a</sup> Hume, c. ii. vii. 4th edit. 1757.

<sup>b</sup> Lord Drumlanerig, the son of Queensberry, had married Lady — Boyle, the niece of Lady Rochester.

<sup>c</sup> Hume, James II. c. 1.

content with servility and cruelty for the moment, they laid down principles which would render slavery universal and perpetual, by assuring the King "that they abhor and detest all principles and positions which are contrary or derogatory to the King's sacred, supreme, absolute power and authority, which none, whether persons or collective bodies, can participate of, in any manner or on any pretext, but in dependence on him and by commission from him."<sup>a</sup>

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But the jealousies between the King's party and that of the Church among the Scotch ministers were sooner visible than those between the corresponding factions in the English council, and they seem, in some degree, to have limited the severities which followed the revolt of Argyle. The privy council, at the intercession of some ladies of distinction, prevented the Marquis of Athol from hanging Mr. Charles Campbell, then confined by a fever, at the gates of his father's castle of Inverary<sup>b</sup>; and it was probably by their representations that James was induced to recall instructions which he had issued to the Duke of Queensberry for the suppression of the name of Campbell<sup>c</sup>, which would have amounted to a proscription of several noblemen, a considerable body of gentry, and the most numerous and powerful tribe in the kingdom. They did not, however, hesitate in the execution of the King's orders to dispense with the test in the case of four peers and twenty-two gentlemen, who were required by law to take it before they exercised the office of commissioners to assess the supply in their respective counties.<sup>d</sup>

The Earl of Perth, the Chancellor of Scotland, began now to attack Queensberry by means somewhat similar to those employed by Sunderland against Rochester. Queensberry had two years before procured the appointment of Perth, as it was believed, by a sum of 27,000*l.* of public money, to the Duchess of Portsmouth.

Conversion  
of Perth.

<sup>a</sup> Acta Parl. viii. 459.—18th April, 1688.

<sup>b</sup> Fountainhall's Chron. Notes, i. 366.—16th July, 1685.

<sup>c</sup> Warrant, 1st June, 1685. State Paper Office.

<sup>d</sup> Warrant, 7th Dec. 1685. State Paper Office.

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Under a new reign, when that lady was by no means a favourite, both Queensberry and Perth apprehended a severe inquisition into this misapplication of public money.<sup>a</sup> Perth, whether actuated by fear or ambition, made haste to consult his security and advancement by conforming to the religion of the court, on which Lord Halifax observed, that "his faith had made him whole." Queensberry adhered to the Established Church. The Chancellor soon began to exercise that ascendancy which he acquired by his conversion, in such a manner as to provoke immediate demonstrations of the zeal against the Church of Rome, which the Scotch Presbyterians carried farther than any other reformed community. He issued an order against the sale of any books without license, which was universally understood as intended to prevent the circulation of controversial writings against the King's religion. Glen, a bookseller in Edinburgh, when he received this warning, said, that he had one book which strongly condemned popery, and desired to know whether he might continue to sell it. Being asked what the book was, he answered, "The Bible."<sup>b</sup> Shortly afterwards the populace manifested their indignation at the public celebration of mass by riots, in the suppression of which several persons were killed. A law to inflict adequate penalties on such offences against the security of religious worship would have been perfectly just. But as the laws of Scotland had, however unjustly, made it a crime to be present at the celebration of mass, it was said, with some plausibility, that the rioters had only dispersed an unlawful assembly. The lawyers evaded this difficulty by the ingenious expedient of keeping out of view the origin and object of the tumults, and prosecuted the offenders, merely for *rioting* in violation of certain ancient statutes, some of which rendered that offence capital. This riot was pursued with such singular barbarity, that one Keith, who was not present at the tumult, was executed for having said, that he would help the rioters, and for having drank con-

<sup>a</sup> Fountainhall's Chron. Notes, 1. 189.<sup>b</sup> Fountainhall, i. 390.—28th Jan. 1686.

fusion to all Papists, though he at the same time drank the health of the King, and though in both cases he only followed the example of the witnesses on whose evidence he was convicted. Attempts were vainly made to persuade this poor man to charge Queensberry with being accessory to the riots, which he had freely ridiculed in private. That nobleman was immediately after removed from the office of treasurer, but he was at the same time appointed Lord President of the Council with a pension, that the court might retain some hold on him during the important discussions at the approaching session of parliament. The King communicated to the secret committee of the Scotch privy council his intended instructions to the commissioner relative to the measures to be proposed to parliament. They comprehended the repeal of the test, the abrogation of the sanguinary laws as far as they related to papists, the admission of these last to all civil and military employments, and the confirmation of all the King's dispensations, even in the reigns of his successors, unless they were recalled by parliament. On these terms he declared his willingness to assent to any law (not repugnant to these things) for securing the Protestant religion, the personal dignities, offices, and possessions of the clergy, and for continuing all laws against fanaticism.<sup>a</sup> The privy council manifested some unwonted scruples about these propositions. James answered them angrily.<sup>b</sup> Perplexed by this unexpected resistance, as well as by the divisions in the Scottish councils, and the repugnance shown by the Episcopalian party to any measure which might bring the privileges of Catholics more near to a level with their own, he commanded the Duke of Hamilton and Sir George Lockhart, President of the Court of Session, to come to London, with a view to ascertain their inclinations, and dispose them favourably to his objects, but under colour of consulting them on the nature of the relief which it might be prudent to propose for the members of his own communion.<sup>c</sup> The Scotch negotiators (for as such they seem to

Measures  
contem-  
plated by the  
King.

<sup>a</sup> State Paper Office, 4th March, 1686.

<sup>b</sup> Ibid. 18th March, 1686.

<sup>c</sup> Fountainhall, i. 410. — 26th March, 1686.

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have acted) conducted the discussion with no small discretion and dexterity. They professed their readiness to concur in the repeal of the penal and sanguinary laws against Catholics; observing, however, the difficulty of proposing to confine such an indulgence to one class of dissidents, and the policy of moving for a general toleration, which it would be as much the interests of Presbyterians as of Catholics to promote. They added, that it might be more politic not to propose the repeal of the test as a measure of government, but to leave it to the spontaneous disposition of parliament, who would very probably repeal a law which in Scotland was aimed against Presbyterians as exclusively as it had in England been intended to exclude Catholics, or to trust to the King's dispensing power, which was there undisputed, as indeed every part of the prerogative was in that country held to be above question, and without limits.<sup>a</sup>

These propositions embarrassed James and his more zealous counsellors. The King struggled obstinately against the extension of the liberty to the Presbyterians. The Scotch counsellors required, that if the test were repealed, the King should bind himself by the most solemn promise to attempt no farther alteration or abridgment of the privileges of the Protestant clergy. James did not conceal from them his repugnance thus to confirm and to secure the establishment of a heretical church. He imputed the pertinacity of Hamilton to the insinuations of Rochester, and that of Lockhart to the still more obnoxious influence of his father-in-law, Lord Wharton.<sup>b</sup>

Debates on  
the King's  
letter.

The Earl of Murray, a recent convert to the Catholic religion, opened the parliament on the 29th of April, and laid before parliament a royal letter, which exhibited traces of the indecision and ambiguity which were the natural consequence of the unsuccessful issue of the conferences in London. He begins with holding out

<sup>a</sup> Barillon,  $\frac{10}{22}$  Avril. Fox MSS. i. 119.

<sup>b</sup> Barillon,  $\frac{19}{29}$  Avril, 1686. Fox MSS. i. 121.



the temptation of a free trade with England, and after tendering an ample amnesty, proceeds to state, that while the King shows these acts of mercy to the enemies of his crown and royal dignity, he cannot be unmindful of his Roman Catholic subjects, who had adhered to the crown in rebellions and usurpations, though they lay under discouragements hardly to be named. He recommends them to the care of parliament, and desires that they may have the protection of the laws and the same security with other subjects, without being laid under obligations which their religion will not admit of. "This love," he says, "we expect ye will show to your brethren, as you see we are an indulgent father to you all."\*

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At the next sitting an answer to the letter was voted, thanking the King for his endeavours to procure a free trade with England, expressing the utmost admiration of the offer of amnesty to such desperate rebels against so merciful a prince, and declaring, "as to that part of your Majesty's letter which relates to your subjects of the Roman Catholic persuasion, we shall, in obedience to your Majesty's commands, and in tenderness to their persons, take the same into our serious and dutiful consideration, and go as great lengths therein as our consciences will allow;" concluding with these words, which were the more significant because they were not called for by any correspondent paragraph in the King's letter:—"Not doubting that your Majesty will be careful to secure the Protestant religion established by law." Even this answer, cold and guarded as it was, did not pass without some debate, important only as indicating the temper of the assembly. The words, "subjects of the Roman Catholic religion," were objected to, "as not to be given by parliament to individuals, whom the law treated as criminals, and to a church which Protestants could not, without inconsistency, regard as entitled to the appellation of Catholic." Lord Fountainhall proposed as an amendment, the substitution of "those commonly called Roman Catholics." The Earl of Perth called this nicknaming the King, and proposed, "those subjects

\* Act. Parl. Scot. viii. 580.

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your Majesty has recommended." The Archbishop of Glasgow supported the original answer, upon condition of an entry in the Journals, declaring that the words were used only out of courtesy to the King, as a repetition of the language of his letter. A minority of 56 in a house of 182 voted against the original words, even though they were to be thus explained.<sup>a</sup> Some members doubted whether they could sincerely profess a disposition to go any farther lengths in favour of the Romanists, they being conscientiously convinced that all the laws against the members of that communion ought to continue in force. The parliament having been elected under the administration of Queensberry, the episcopal party was very powerful both in that assembly and in the committee called the Lords of the Articles, with whom alone a bill could originate. The Scottish Catholics were an inconsiderable body; and the Presbyterians, though comprehending the most intelligent, moral, and religious part of the people, so far from having any influence in the legislature, were proscribed as criminals, and subject to a more cruel and sanguinary persecution from their Protestant brethren than either of these communions had ever experienced from Catholic rulers.<sup>b</sup> Those of the prelates whose virtues extended so far as to prefer the interest of their order to their own were dissatisfied even with the very limited measure of toleration laid before the Lords of the Articles, which only proposed to exempt Catholics from punishment on account of the private exercise of their religious worship.<sup>c</sup> The primate was alarmed by a hint thrown out by the Duke of Hamilton, that a toleration so limited might be granted to dissenting Protestants<sup>d</sup>; nor, on the other hand, was the resistance of the prelates softened by the lure held out by the King in his first instructions, that if they would remove the test against Catholics they should be in-

<sup>a</sup> Fountainhall, i. 413. — 13th May, 1686.

<sup>b</sup> Woodrow, ii. 498.: — an avowed partisan, but a most sincere and honest writer, to whom great thanks are due for having preserved that collection of facts and documents which will for ever render it impossible to extenuate the tyranny exercised over Scotland from the Restoration to the Revolution.

<sup>c</sup> Woodrow, ii. 594.

<sup>d</sup> Fountainhall, i. 415.

dulged in the persecution of their fellow Protestants. The Lords of the Articles were forced to introduce into the bill two clauses ; one declaring their determination to adhere to the established religion, the other expressly providing, that the immunity and forbearance shall not derogate from the laws which required the oath of allegiance and the test to be taken by all persons in offices of public trust.<sup>a</sup> The arguments on both sides are to be found in pamphlets then printed at Edinburgh ; those for the Government publicly and actively circulated, those of the opposite party disseminated clandestinely.<sup>b</sup> The principal part, as in all such controversies, consists in personalities, recriminations, charges of inconsistency, and addresses to prejudice, which scarcely any ability can render interesting after the passions from which they spring have subsided and are forgotten. It happened, also, that temporary circumstances required or occasioned the best arguments not to be urged by the disputants. Considered on general principles, the bill, like every other measure of toleration, was justly liable to no permanent objection but its incompleteness and partiality. But no Protestant sect was then so tolerant as to object to the imperfection of the relief to be granted to Catholics ; and the ruling party in the parliament were neither entitled nor disposed to complain, that the Protestant Non-conformists, whom they had so long persecuted, were not to be comprehended in the toleration. The only objection which could reasonably be made to the tolerant principles, now for the first time inculcated by the advocates of the Court, was, that they were not proposed with good faith, and were not proposed for the relief of the Catholics but for the subversion of the Protestant church, and the ultimate establishment of popery, with all the horrors which were to follow in its train. The present effects of the bill were a subject of more urgent con-

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Bill of Toleration.

<sup>a</sup> Woodrow, ii. App. No. cxvi.

<sup>b</sup> Woodrow, ii. App. 163—177., who ascribes the court pamphlet to Sir R. L'Estrange, in which he is followed by Mr. Laing, though in the answer that pamphlet is said to be written by a clergyman who had preached before the parliament. L'Estrange was then in Edinburgh, probably engaged in some more popular controversy. The tract in question seems more likely to have been written by Paterson, Bishop of Edinburgh.

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sideration than its general character. It was more necessary to ascertain the purpose which it was intended and calculated to promote at the instant, than to examine the principles on which such a measure, in other circumstances and in all common times, might be perfectly wise and just. Even then, had any man been liberal and bold enough to propose universal and perfect liberty of worship, the adoption of such a measure would probably have afforded the most effectual security against the designs of the crown. But very few entertained so generous a principle: of these, some might doubt the wisdom of its application in that hour of peril, and no man could have proposed it with any hope that it could be adopted by the majority of such a parliament. It can hardly be a subject of wonder, that the established clergy, without any root in the opinions and affections of the people, on whom they were imposed by law, and against whom they were maintained by persecution, should not in the midst of conscious weakness have had calmness and fortitude enough to consider the policy of concession, but trembling for their unpopular dignities and invidious revenues, should recoil from the surrender of the most distant outpost which seemed to guard them, and struggle with all their might to keep those who threatened to become their most formidable rivals under the brand at least if not the scourge of penal laws. It must be owned, that the language of the court writers was not calculated either to calm the apprehensions of the Church or to satisfy the solicitude of the friends of liberty. These writers told the parliament, "that if the King were exasperated by the rejection of the bill, he might, without the violation of any law, alone remove all Protestant officers and judges from the government of the State, and all Protestant bishops and ministers from the government of the Church<sup>a</sup>;" — a threat the more alarming, because the dispensing power seemed sufficient to carry it into effect in civil offices, and the Scotch act of supremacy<sup>b</sup>, passed in one of the paroxysms of servility which were frequent in the first years of the Restoration, appeared to afford the means of fully accomplishing it against the Church.

<sup>a</sup> Woodrow, ii. App. 166.

<sup>b</sup> 1669.

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The unexpected obstinacy of the Scottish parliament alarmed and offended the Court. Their answer did not receive the usual compliment of publication in the Gazette. Orders were sent to Edinburgh to remove two privy counsellors<sup>a</sup>; to displace Seton, a judge, and to deprive the Bishop of Dunkeld of a pension, for their conduct in parliament. Sir George Mackenzie, himself, the most eloquent and accomplished Scotchman of his age, was for the same reason dismissed from the office of Lord Advocate. It was in vain that he had dishonoured his genius by being for ten years the advocate of tyranny and the minister of persecution. All his ignominious claims were cancelled by the independence of one day. It was hoped that such examples might strike terror.<sup>b</sup> Several noblemen, who held commissions in the army, were ordered to repair to their posts. Some members were threatened with the avoidance of their elections.<sup>c</sup> A prosecution was commenced against the Bishop of Ross, and the proceedings were studiously protracted, to weary out the poorer part of those who refused to comply with the court. The ministers scrupled at no expedient for seducing, or intimidating, or harassing. But these expedients proved ineffectual. The majority of the parliament adhered to their principles. The session lingered for about a month in the midst of ordinary or unimportant affairs.<sup>d</sup> The Bill for Toleration was not brought up by the Lords of the Articles. The commissioners, doubting whether it would be carried, and probably instructed by the court that it would neither satisfy the expectations nor promote the purposes of the King, in the middle of June adjourned the parliament, which was never again to assemble. It was no-

Adjourn-  
ment of par-  
liament.

<sup>a</sup> The Earl of Glencairn and Sir W. Bruce.

<sup>b</sup> Fountainhall, i. 414. 17th May, 1686.

<sup>c</sup> Ibid. 419.

<sup>d</sup> Among the frivolous but characteristic transactions of this session was the Bore Brief, or authenticated pedigree granted to the Marquis de Seignelai, as a supposed descendant of the ancient family of Cuthbert of Castlehill, in Inverness-shire. His father, the great Colbert, who appears to have been the son of a reputable woollen-draper of Troyes, had attempted to obtain the same certificate of genealogy, but such was the pride of birth at that time in Scotland, that his attempts were vain. It now required all the influence of the court, set in motion by the solicitations of Barillon, to obtain it for Seignelai. By an elaborate display of all the collateral relations of the Cuthberts, the Bore Brief connects Seignelai with the royal family, and with all the nobility and gentry of the kingdom. Act. Parl. Scot. viii. 611.

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wonder that the King should have been painfully disappointed by the failure of his attempt; for after the conclusion of the session, it was said by zealous and pious Protestants, that nothing less than a special interposition of Providence could have infused into such an assembly a steadfast resolution to withstand the court.<sup>a</sup> The royal displeasure was manifested by measures of a very violent sort. The despotic supremacy of the King over the Church was exercised by depriving Bruce of his bishopric of Dunkeld, for his parliamentary conduct<sup>b</sup>; a severity which, not long after, was repeated in the deprivation of Cairncross, Archbishop of Glasgow, for some supposed countenance to an obnoxious preacher, though that prelate laboured to avert it by promises of support to all measures favourable to the King's religion.<sup>c</sup> A few days after the prorogation, Queensberry was dismissed from all his offices, and required not to leave Edinburgh until he had rendered an account of his administration of the treasury.<sup>d</sup> Some part of the royal displeasure fell upon Sir George Mackenzie, the Lord Register, lately created Lord Cromarty, the most submissive servant of every government, for having flattered the King, by too confident assurances of a majority as obsequious as himself. The connection of Rochester with Queensberry now aggravated the offence of the latter, and prepared the way for the downfall of the former. Murray, the commissioner, promised positive proofs, but produced at last only such circumstances as were sufficient to confirm the previous jealousies of James, that the Scotch opposition were in secret correspondence with pensionary Fagel, and even with the Prince of Orange.<sup>e</sup> Sir George Mackenzie, whose unwonted

<sup>a</sup> Fountain. i. 419. I forbear to transcribe the somewhat profane comparison to the remark of an Irish soldier on the Garter being bestowed on Feversham after the battle of Sedgemoor, to the success of which he had so little contributed.

<sup>b</sup> Fountain. i. 416.

<sup>c</sup> Fountain. i. 441. Skinner, Eccles. Hist. ii. 503.

<sup>d</sup> Fountain. i. 420.

<sup>e</sup> Barillon,  $\frac{20 \text{ June,}}{1 \text{ Juillet,}}$  1686.  $\frac{12 \text{ July,}}{22 \text{ Juillet,}}$  1686. Fox MSS. i. 137—139. It will appear in

the sequel, that these suspicions are at variance with probability, and unsupported by evidence.

independence seems to have speedily faltered, was refused an audience of the King, when he visited London with the too probable purpose of making his peace. The most zealous Protestants being soon afterwards removed from the privy council, and the principal noblemen of the Catholic communion being introduced in their stead, James addressed a letter to the council, informing them that his application to parliament had not arisen from any doubt of his own power to stop the severities against Catholics, declaring his intention to allow the exercise of the Catholic worship, and to establish a chapel for that purpose in his own palace of Holyrood House; and intimating to the judges, that they were to receive the allegation of this allowance as a valid defence, any law to the contrary notwithstanding.<sup>a</sup> The warm royalists, in their proposed answer, expressly acknowledged the King's prerogative to be a legal security. But the council, in consequence of an objection of the Duke of Hamilton, faintly asserted their independence, by substituting "sufficient" instead of "legal."<sup>b</sup>

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The determination was thus avowed of pursuing the objects of the King's policy in Scotland by the exercise of prerogative, at least until a more compliant parliament could be obtained, who would not only remove all doubt for the present, but protect the Catholics against the recall of the dispensations by James's successors. The means principally relied on for the accomplishment of that object was the power now assumed by the King to stop the annual elections in burghs, to nominate the chief magistrates, and through them to command the election by more summary proceedings than those of the English courts.<sup>c</sup> The choice of ministers corresponded with the principles of administration. The disgrace of the Duke of Hamilton, a few months later<sup>d</sup>, completed the transfer of power to that party who professed an unbounded devotion to the principles of their master in the government both

<sup>a</sup> Woodrow, ii. 598. Letter, 21st Aug. 1686.

<sup>b</sup> Fount. i. 424. 16th Sept. 1686.

<sup>c</sup> Fount. *ibid.*

<sup>d</sup> Fount. i. 449—451. Letter in State Paper Office, 1st March, 1687, expressing the King's displeasure at the conduct of Hamilton, and directing the names of his sons-in-law, Panmure and Dunmore, to be struck out of the list of the council.

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Ireland.

The government of Ireland, as well as that of England and Scotland, was, at the accession of James, allowed to remain in the hands of Protestant tories. The Lord-lieutenancy was, indeed, taken from the Duke of Ormond, then far advanced in years, but it was bestowed on a nobleman of the same party, Lord Clarendon, whose moderate understanding added little to those claims on

<sup>a</sup> Warrants in the State Paper Office, 19th May, 1687.

<sup>c</sup> Ibid. 15th August, 1687.

<sup>b</sup> Ibid. 28th June, 1687.

<sup>d</sup> Ibid. 7th January, 1688.



high office, which he derived from his birth, connections, and opinions. But the feeble and timid Lord Lieutenant was soon held in check by Richard Talbot<sup>a</sup>, then created Earl of Tyrconnel, a Catholic gentleman of ancient English extraction, who joined talents and spirit to violent passions, boisterous manners, unbounded indulgence in every excess, and a furious zeal for his religious party. His character was tainted by that disposition to falsehood and artifice, which, however seemingly inconsistent with violent passions, is often combined with them, and he possessed more of the beauty and bravery than of the wit or eloquence of his unhappy nation. He was first introduced to Charles II. and his brother before the Restoration, as one who was willing to assassinate Cromwell, and made a journey into England with that resolution. He soon after received an appointment in the household of the Duke of York, and retained the favour of that prince during the remainder of his life. In the year 1666, he was imprisoned for a few days by Charles II., for having resolved to assassinate the Duke of Ormond, with whose Irish administration he was dissatisfied.<sup>b</sup> He did not, however, even by the last of these criminal projects forfeit the patronage of either of the royal brothers, and at the accession of James held a high place among that prince's personal favourites. He was induced, both by zeal for the Catholic party, and by animosity against the family of Hyde, to give effectual aid to Sunderland in the overthrow of

<sup>a</sup> The means by which Talbot obtained the favour of James, if we may believe the accounts of his enemies, were somewhat singular. "Clarendon's daughter had been got with child in Flanders, on a pretended promise of marriage, by the Duke of York, who was forced by the King, at her father's importunity, to marry her, after he had resolved the contrary, and got her reputation blasted by Lord Fitzharding and Colonel Talbot, who impudently affirmed that they had received the last favours from her." *Sheridan's Reflections, &c.*, MSS. in Stuart Papers, p. 53. "5th July, 1694. Sir E. Harley told us, that when the Duke of York resolved on putting away his first wife, particularly on discovery of her commerce with ———, she by her father's advice turned Roman Catholic, and thereby secured herself from reproach, and that the pretence of her father's opposition to it was only to act a part, and secure himself from blame." MSS. in the handwriting of Lord Treasurer Oxford, in the possession of the Duke of Portland. The latter of these passages must refer to the time of the marriage, from the concluding part of it. But it must not be forgotten that both the reporters were the enemies of Clarendon, and Sheridan the bitter enemy of Tyrconnel.

<sup>b</sup> Clarendon's Life, continuation, 362.

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Rochester, and required in return that the conduct of Irish affairs should be left to him.<sup>a</sup> Sunderland dreaded the temper of Tyrconnel, and was desirous of performing his part of the bargain with as little risk as possible to the quiet of Ireland. Tyrconnel at first contented himself with the rank of senior General Officer on the Irish staff, and he returned to Dublin in June, 1686, as the avowed favourite of the King, with powers to new-model the army; and his arrival was preceded by reports of extensive changes in the government of the kingdom.<sup>b</sup> The state, the church, the administration, and the property of that unhappy island, were bound together by such unnatural ties, and placed on such weak foundations, that every rumour of alteration in one of them spread the deepest alarm for the safety of the whole. From the colonisation of a small part of the eastern coast under Henry II., till the last years of the reign of Elizabeth, an unceasing and cruel warfare was waged by the English governors against the princes and chiefs of the Irish tribes, with little other effect than that of preventing the progress of civilisation of the Irish, of replunging many of the English into barbarism, and of generating that deadly animosity between the natives and the invaders, under the names of Irishry and Englishry, which, assuming various forms, and exasperated by a fatal succession of causes, has continued even to our days the source of innumerable woes. During that dreadful period of four hundred years, the laws of the English colony did not punish the murder of a man of Irish blood as a crime.<sup>c</sup> Even so late as the year 1547, the Colonial Assembly, called a parliament, confirmed the insolent laws which prohibited the English of the pale from marrying persons of Irish blood.<sup>d</sup> Reli-

<sup>a</sup> Sheridan's Historical Account, MSS., 79 P. *Stuart Papers*.

<sup>b</sup> Clarendon's Letters, i. *passim*.

<sup>c</sup> Sir J. Davies's Discoverie, &c., 102—112. Edit. 1747. "They were so far out of the protection of the laws that it was often adjudged no felony to kill a mere Irishman in time of peace,"—except he were of the five privileged tribes of the O'Neils of Ulster, the O'Maghlinns of Meath, the O'Connors of Connaught, the O'Briens of Thomond, and the Mac-Murroughs of Leinster; to whom are to be added the Ostmen of the city of Waterford. See also Leland, Hist. of Ireland, book i. c. 3.

<sup>d</sup> Ir. Stat. 28 Hen. VIII. c. 13. "The English," says Sir W. Petty, "before Henry VII.'s time, lived in Ireland as the Europeans do in America." Pol. Anat. 112.

gious hostility inflamed the hatred of these mortal foes. The Irish, attached to their ancient opinions as well as usages, and little addicted to doubt or enquiry, rejected the Reformation of religion offered to them by their enemies. The Protestant worship became soon to be considered by them as the odious badge of conquest and oppression.\* The ancient religion was endeared by persecution, and by its association with the name, the language, and the manners of their country. The island had long been represented as a fief of the see of Rome; the Catholic clergy, and even laity, had no unchangeable friend but the sovereign pontiff, and their chief hope of deliverance from a hostile yoke was long confined to Spain, the leader of the Catholic party in the European commonwealth. The old enmity of Irishry and Englishry thus appeared with redoubled force under the new names of Catholic and Protestant. The necessity of self-defence compelled Elizabeth to attempt the complete reduction of Ireland, which, since she had assumed her station at the head of Protestants, became the only vulnerable part of her dominions, and a weapon in the hands of her most formidable enemies. But few of the benefits which sometimes atone for conquest were felt by Ireland. Neither the success with which Elizabeth broke the barbaric power of the Irish chieftains, nor the real benevolence and seeming policy of introducing industrious colonies under her successor, counterbalanced the dreadful evil which was then for the first time added to her hereditary sufferings. The extensive forfeiture of the lands of the Catholic Irish, and the grant of these lands to Protestant natives of Great Britain, became a new source of hatred between these irreconcilable factions. Forty years of quiet, however, followed, in which a parliament of all districts, and of both religions, was assembled. The administration of the Earl of Strafford bore the stamp of the political vices which tarnished his

\* That the hostility of religion was, however, a secondary prejudice superinduced on hostility between nations, appears very clearly from the laws of Catholic sovereigns against the Irish, even after the Reformation, particularly the Irish statute of 3 & 4 Phil. & Mar. c. 2., against the O'Mores, and O'Dempsies, and O'Connors, "and others of the Irishry."

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genius, and which often prevailed over those generous affections of which he was not incapable towards those who neither rivalled nor resisted him. The state of Ireland abounded with temptations to a man of daring and haughty spirit, intent to tame a turbulent people, and impatient of the slow discipline of law and justice, to adopt those violent and summary measures of which his nature prompted him too easily to believe the necessity.<sup>a</sup> When his vigorous arm was withdrawn, the Irish were once more excited to revolt by the memory of the provocations which they had received from him and from his predecessors, by the feebleness of the government of Ireland, and by the confusion and distraction which announced the approach of civil war in Great Britain. This insurrection, which broke out in 1641, and of which the atrocities appear to have been extravagantly exaggerated<sup>b</sup> by the writers of the victorious party, was only finally subdued by the genius of Cromwell, who, urged by the general antipathy against the Irish<sup>c</sup>, and the peculiar animosity of his own followers towards Catholics, exercised more than once in his Irish campaigns the most odious rights or practices of war, and departed in his treatment of that constantly unhappy country from that clemency which usually distinguished him above most men who have obtained the supreme power by violence. The confiscations which followed his victories, added to the forfeitures under Elizabeth and James, transferred more than two thirds of the land of the kingdom to British adventurers.<sup>d</sup> “Not only all the Irish nation (with very few exceptions) were found guilty of the rebellion, and forfeited all their estates, but all the English Catholics of Ireland

<sup>a</sup> Carte's Ormond, and the Confessions of Clarendon, together with the Evidence on the trial of Strafford.

<sup>b</sup> Evidence of this exaggeration is to be found in Carte and Leland, in the “Political Anatomy of Ireland,” by Sir W. Petty, to say nothing of Curry's “Civil Wars,” which, though the work of an Irish Catholic, deserves the serious consideration of every historical enquirer, Sir W. Petty limits the number of Protestants *killed* throughout the island, in the first year of the war, to 37,000. The massacres were confined to Ulster, and in that province were imputed only to the detachment of insurgents under Sir Phelim O'Neale.

<sup>c</sup> Even Milton calls the Irish Catholics, or, in other words, the Irish nation, “*Conscelerata et barbara colluvies*.”

<sup>d</sup> Petty's Pol. Anat. 1—3. London, 1691.

were declared to be under the same guilt.”<sup>a</sup> The ancient proprietors conceived sanguine hopes, that confiscations by usurpers would not be ratified by the restored government. But their agents were inexperienced, indiscreet, and sometimes mercenary. Their opponents, who were in possession of power and property, chose the Irish House of Commons, and secured the needy and rapacious courtiers of Charles II. by large bribes.<sup>b</sup> The court became a mart at which much of the property of Ireland was sold to the highest bidder: the inevitable result of measures not governed by rules of law, loaded with exceptions and conditions, where the artful use of a single word might affect the possession of considerable fortunes, and where so many minute particulars relating to unknown and uninteresting subjects were necessarily introduced, that none but parties deeply concerned had the patience to examine them.

Charles was desirous of an arrangement which should give him the largest means of quieting, by profuse grants, the importunity of his favourites. He began to speak of the necessity of strengthening the English interest in Ireland, and he represented the settlement rather as a matter of policy than of justice. The usual and legitimate policy of statesmen and lawgivers is, doubtless, to favour every measure which quiets present possession, and to discourage all retrospective inquisition into the tenure of property. But the Irish government professed to adopt a principle of compromise, and the general object of the statute called the Act of Settlement, was to secure the land in the hands of its possessors, on condition of their making a certain compensation to those classes of expelled proprietors who were considered as innocent of the rebellion. Those, however, were declared not to be innocent who had accepted the terms of peace granted by the King in 1648, who had paid contributions to support the insurgent administration, or who enjoyed any real or personal

<sup>a</sup> Life of Clarendon, ii. 115. 8th edit. Oxford. 1759.

<sup>b</sup> Carte's Ormond, ii. 295., &c. Talbot, afterwards Earl of Tyrconnel, returned to Ireland with 18,000*l*.

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property in the districts occupied by the rebel army. The first of these conditions was singularly unjust; the two latter must have comprehended many who were entirely innocent, and all of them were inconsistent with those principles of compromise and provision for the interest of all on which the act was professedly founded. Ormond, however, restored to his own great estates, and gratified by a grant of 30,000*l.* from the Irish Commons, acquiesced in this measure, and it was not opposed by his friend Clarendon; circumstances which naturally, though perhaps not justly, have rendered the memory of these celebrated men odious to the Irish Catholics. During the whole reign of Charles II. they struggled to obtain a repeal of the Act of Settlement. But Time opposed his mighty power to their labours. Every new year strengthened the rights of the possessors, and furnished additional objections against the claims of the old owners. It is far easier to do mischief than to repair it; and it is one of the most malignant properties of extensive confiscation that it is commonly irreparable. The land is shortly sold to honest purchasers; it is inherited by innocent children; it becomes the security of creditors; its safety becomes interwoven, by the complicated transactions of life, with all the interests of the community. One act of injustice is not atoned for by the commission of another against parties who may be equally unoffending. In such cases the most specious plans for the investigation of conflicting claims either lead to endless delay, attended by the entire suspension of the enjoyment of the disputed property, if not by a final extinction of its value, or to precipitate injustice, arising from caprice, from favour, from enmity, or from venality. The resumption of forfeited property, and the restoration of it to the heirs of the ancient owners, may be attended with all the mischievous consequences of the original confiscation; by the disturbance of habits, and by the disappointment of expectations, and by an abatement of that reliance on the inviolability of legal possession, which is the main-spring of industry, and the chief source of comfort.

The arrival of Tyrconnel revived the hopes of the Catholics. CHAP. IV.  
 They were at that time estimated to amount to 800,000 souls; 1686.  
 the English Episcopalians, the English Nonconformists, and the Arrival of  
 Scotch Presbyterians, each to 100,000.<sup>a</sup> There was an army of Tyrconnel.  
 3000 men, which in the sequel of this reign was raised to 8000,  
 and the net revenue afforded a yearly average of 300,000%.<sup>b</sup> Before  
 the civil war of 1641, the disproportion of numbers of Catholics  
 to Protestants was much greater, and by the consequences of that  
 event, the balance of property was entirely reversed.<sup>c</sup> “In playing  
 of this game or match” (the war of 1641) “upon so great odds,  
 the English,” says Sir William Petty, “won, and have a gamester’s  
 right at least to their estates.”<sup>d</sup> On the arrival of Tyrconnel, too,  
 were redoubled the fears of the Protestants for possessions always  
 invidious, and now, as it seemed, about to be precarious. The  
 attempt to give both parties a sort of representation in the govern-  
 ment, and to balance the Protestant Lord Lieutenant by a Catholic  
 commander of the army, unsettled the minds of the two com-  
 munities. The Protestants, though they saw that the rising  
 ascendant of Tyrconnel would speedily become irresistible, were  
 betrayed into occasional indiscretion by the declarations of the  
 Lord Lieutenant; and the Catholics, aware of their growing force,  
 were only exasperated by Clarendon’s faint and fearful show of  
 zeal for the established laws. The contemptuous disregard, or  
 rather indecent insolence manifested by Tyrconnel in his con-  
 versations with Lord Clarendon, betrayed a consciousness of the  
 superiority of a royal favourite over a Lord Lieutenant, who  
 was to execute a system to which he was disinclined, and to  
 remain in office a little longer only as a pageant of state. He  
 indulged all his habitual indecencies and excesses; he gave the  
 loose to every passion, and threw off every restraint of good

<sup>a</sup> Petty’s Political Anatomy, 8. As Sir William Petty exaggerates the population of Eng-  
 land, which he rates at six millions, considerably more than its amount in 1700 (Population  
 Ret. 1821, Introduct.), it is probable he may have overrated that of Ireland; but there is  
 no reason to suspect mistake in the proportions.

<sup>b</sup> Supposing the taxes then paid by England and Wales to have been about three millions,  
 each inhabitant contributed ten shillings, while each Irishman paid somewhat more than five.

<sup>c</sup> Petty’s Pol. Anat. 24.

<sup>d</sup> Idem.

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manners in these conversations. It is difficult to represent them in a manner compatible with the decorum of history. Yet they are too characteristic to be passed over.<sup>a</sup> "You must know, my Lord," said Tyrconnel, "that the King is a Roman Catholic, and resolved to employ his subjects of that religion, and that he will not keep one man in his service who ever served under the usurpers. The sheriffs you have made are generally rogues and old Cromwellians. There has not been an honest man sheriff in Ireland these twenty years." Such language, intermingled with oaths, and uttered in the boisterous tone of a braggart youth, somewhat intoxicated, in a military guard-house, are specimens of the manner in which Tyrconnel delivered his opinions to his superior on the gravest affairs of state. It was no wonder that Clarendon told his brother Rochester, "If this Lord continue in the temper he is in, he will gain here the reputation of a madman; for his treatment of people is scarce to be described."<sup>b</sup> The more moderate of his own communion, comprehending almost all laymen of education or fortune, he reviled as trimmers. He divided the Catholics, and embroiled the King's affairs still farther by a violent prejudice against the native Irish, whom he contemptuously called the O's and Macs.<sup>c</sup> To the letter of the King's public declarations, or even positive instructions to the Lord Lieutenant, he paid very little regard. He was sent by James "to do the rough work" of remodelling the army and the corporations. With respect to the army, the King professed only to admit all his subjects on an equal footing, without regard to religion. But Tyrconnel's language, and, when he had the power, his measures, led to the formation of a Catholic army.<sup>d</sup> The Lord Lieutenant reasonably understood the royal intentions to be no more than that the Catholic religion should be no bar to the

<sup>a</sup> Diary of Henry, Earl of Clarendon, 5th to 14th June, 1686. Letters, i. 277., &c.

<sup>b</sup> Id. 308.

<sup>c</sup> Sheridan MSS.

<sup>d</sup> Sheridan MSS. It should be observed, that the passages relating to Ireland in the Life of James II., vol. ii. pp. 59—63., were not written by the King, and do not even profess to be founded on the authority of his MSS. They are merely a statement made by Mr. Dicconson, the compiler of that work.



admission of persons otherwise qualified into corporations. Tyrconnel disregarded such distinctions, and declared, with one of his usual oaths, "I do not know what to say to that; I would have all the Catholics in."<sup>a</sup> Three unexceptionable judges of the Protestant persuasion were, by the King's command, removed from the bench to make way for three Catholics, Daly, Rice, and Nugent; also, it ought to be added, of unobjectionable character and competent learning in their profession.<sup>b</sup> Officious sycophants hastened to prosecute those incautious Protestants who, in the late times of zeal against popery, had spoken with freedom against the succession of the Duke of York, though it is due to justice to remark, that the Catholic council, judges, and juries, discouraged these vexatious prosecutions, and prevented them from producing any very grievous effects. The King had in the beginning solemnly declared his determination to adhere to the Act of Settlement; but Tyrconnel, with his usual imprecations, said to the Lord Lieutenant, "These Acts of Settlement, and this new interest, are ——— things."<sup>c</sup> The coarseness and insolence of Tyrconnel could not fail to offend the Lord Lieutenant. But it is apparent, from his own description, that he was still more frightened than provoked, and perhaps more decorous language would not have so suddenly and completely subdued the little spirit of the demure Lord. Certain it is that these scenes of violence were immediately followed by the most profuse professions of his readiness to do whatever the King required, without any reservation even of the interest of the Established Church. These professions were not merely formularies of that ignoble obsequiousness which degrades the inferior too much to exalt the superior. They were explicit and precise declarations relating to the particulars of the most momentous measures then in agitation. In speaking of the reformation of the army he repeated his assurance to Sunderland, "that the King may have every thing done here which he has a mind to, and it is more easy to do

<sup>a</sup> Clar. 20th July, 1686, and 31st July, 1686.

<sup>b</sup> Clar. 19th June, 1686.

<sup>c</sup> Clar. 8th June, 1686.

**CHAP. IV.** things quietly than in a storm.”<sup>a</sup> He descended to declare even  
 1686. to Tyrconnel himself, that “it was not material how many Roman Catholics were in the army, if the King would have it so; for whatever his Majesty would have should be made easy as far as lay in me.”<sup>b</sup>

In the mean time Clarendon had incurred the displeasure of the Queen by his supposed civilities to Lady Dorchester during her residence in Ireland.<sup>c</sup> The King was also displeased at the disposition which he imputed to the Lord Lieutenant rather to traverse than to forward the designs of Tyrconnel in favour of the Catholics.<sup>d</sup> It was in vain that the submissive viceroy attempted to disarm these resentments by abject declarations of deep regret and unbounded devotedness.<sup>e</sup> The daily decline of the credit of Rochester deprived his brother of his best support; and Tyrconnel, who returned to court in August, 1686, found it easy to effect a change in the government of Ireland. But he found more difficulty in obtaining that important government for himself. Sunderland tried every means but the resignation of his own office to avert so impolitic an appointment. He urged the declaration of the King, on the removal of Ormond, that he would not bestow the lieutenancy on a native Irishman. He represented the danger of alarming all Protestants, by appointing to that office an acknowledged enemy of the Act of Settlement, and exciting the apprehensions of all Englishmen, by intrusting Ireland to a man so devoted to the service of Louis XIV. He offered to make Tyrconnel a Major General on the English staff, with a pension of 5000*l.* a year, and with as absolute though secret authority in the affairs of Ireland as Lauderdale had possessed in those of Scotland. He promised that after the abrogation of the penal laws in England, Tyrconnel, if he pleased, might be appointed Lord Lieutenant in the room of Lord Powis, who was destined for the present to succeed Clarendon. Tyr-

<sup>a</sup> Clar. 20th July, 1686.

<sup>b</sup> Id. 30th July, 1686.

<sup>c</sup> Id.

<sup>d</sup> Id. 6th October, 1686.

<sup>e</sup> Clar. to the King, 6th October; to Lord Rochester, 23d October, 1686.

connel turned a deaf ear to these proposals, and threatened to make disclosures to the King and Queen which might overthrow the policy and power of Sunderland. That nobleman, when he was led by his contest with Rochester to throw himself into the arms of the Roman Catholics, had formed a more particular connection with Jermyn and Talbot, as the King's favourites, and as the enemies of the family of Hyde. Tyrconnel now threatened to disclose the terms and objects of that league, the real purpose of removing Lady Dorchester, and the declaration of Sunderland, when this alliance was formed, that the King could only be governed by a woman or a priest, and that they must therefore combine the influence of the Queen with that of Father Petré.

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Sunderland appears to have made some resistance after this formidable threat; and Tyrconnel proposed that the young Duke of Berwick should marry his daughter, and be created Lord Lieutenant, while Tyrconnel himself should enjoy the power under the more modest title of Lord Deputy.\* A council, consisting of Sunderland, Tyrconnel, and the Catholic ministers, was held on the affairs of Ireland in the month of October. The members who gave their opinions before Tyrconnel maintained the necessity of conforming to the Act of Settlement; but Tyrconnel exclaimed against them for advising the King to an act of injustice ruinous to the interests of religion. The conscience of James was alarmed, and he appointed the next day to hear the reasons of state which Sunderland had to urge on the opposite side. Tyrconnel renewed his vehement invectives against the iniquity and impiety of the counsels which he opposed; and Sunderland, who began as he often did with useful advice, ended, as usual, with a hesitating and ambiguous submission to his master's pleasure<sup>b</sup>, trusting to accident and his own address to prevent or mitigate the execution of violent measures. These proceedings

\* London Gazette, 2225. All these particulars are to be found in Sheridan's MSS. Sheridan accompanied Tyrconnel, as secretary, to Ireland. It is but justice to add that, in a few months, they became violent enemies.

<sup>b</sup> Mons. D'Adda, MSS. Corres. 15th November, 1687.

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His appointment as Lord Deputy.

Advance-ment of Catholics to offices.

decided the contest for office; and Tyrconnel received the sword of state as Lord Deputy on the 12th February, 1687.

The King's professions of equality and impartiality in the distribution of office between the two adverse communions were speedily and totally disregarded. The Lord Deputy and the greater part of the privy council, the Lord Chancellor with three fourths of the judges, all the King's counsel but one, almost all the sheriffs, and a majority of corporators and justices, were, in less than a year, Catholics; numbers so disproportioned to the relative property, education, and ability for business, to be found in the two religions, that even if the appointments had not been tainted with the inexorable blame of defiance to the laws, they must still have been regarded by the Protestants with the utmost apprehension, as indications of sinister designs. Fitten, the Chancellor, was promoted from the King's Bench prison, where he had been long a prisoner for debt; and he was charged, though probably without reason, by his opponents, with forgery, said to have been committed in a long suit with Lord Macclesfield. His real faults were ignorance and subserviency. Neither of these vices could be imputed to Sir Richard Nagle, the Catholic Attorney General, who seems chargeable only with the inevitable fault of being actuated by a dangerous zeal for his own suffering party. It does not appear that the Catholic judges actually abused their power. We have already seen that, instead of seeking to retaliate for the murders of the Popish plot, they discountenanced prosecutions against their adversaries with a moderation and forbearance very rarely to be discovered in the policy of parties in the first moments of victory over long oppression. It is true that these Catholic judges gave judgment against the charters of towns. But in these judgments they only followed the example of the most eminent of their Protestant brethren in England.\* The evils of

\* Our accounts of Tyrconnel's Irish administration before the Revolution are peculiarly imperfect and suspicious. King, afterwards Archbishop of Dublin, whose "State of the Protestants" has been usually quoted as authority, was the most zealous of Irish Protestants, and his ingenious antagonist, Lesly, was the most inflexible of Jacobites. Though both were men of great abilities, their attention was so much occupied in personalities and in the discussion

insecurity and alarm were those which were chiefly experienced by the Irish Protestants. These mischiefs, very great in themselves, depended so much on the character, temper, and manner of the Lord Deputy, on the triumphant or sometimes threatening conversation of their Catholic neighbours, on the recollection of bloody civil wars, and on the painful consciousness which haunts the possessors of recently confiscated property, that it may be thought unreasonable to require any other or more positive proof of their prevalence. Some visible fruits of the alarm are pointed out. The Protestants, who were the wealthiest traders as well as the most ingenious artisans of the kingdom, began to emigrate. The revenue is said to have declined. The greater part of the Protestant officers of the army, alarmed by the removal of their brethren, sold their commissions for inadequate prices, and obtained military appointments in Holland, then the home of the exile and the refuge of the oppressed.\* But that which Tyrconnel most pursued, and the Protestants most dreaded, was the repeal of the Act of Settlement. The new proprietors were not, indeed, aware how much cause there was for their alarms. Tyrconnel boasted that he had secured the support of the Queen by the present of a pearl necklace worth 10,000*l.*, which Prince Rupert had bequeathed to his mistress. In all extensive transfers of property not governed by rules of law, where both parties to a corrupt transaction have a great interest in concealment, and where there can seldom be any effective responsibility either judicial or moral, the suspicion of bribery must be incurred, and the temptation itself must often prevail. Tyrconnel asked Sheridan, his secretary, whether he did not think the Irish would give 50,000*l.* for the repeal of the Act of Settlement. "Certainly," said Sheridan, "since the new interest paid three times that sum

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of controverted opinions, that they have done little to elucidate matters of fact. Clarendon and Sheridan's MSS. agree so exactly in their picture of Tyrconnel, and have such an air of truth in their accounts of him that it is not easy to refuse them credit, though they were both his enemies.

\* "The Earl of Donegal," says Sheridan, "sold for 600 guineas a troop of horse which, two years before, cost him 1800 guineas." Sheridan MSS.

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to the Duke of Ormond for passing it." Tyrconnel then authorised Sheridan to offer to Lord Sunderland 50,000*l.* in money, or 5000*l.* a year in land for the repeal. Sunderland preferred the 50,000*l.*; but with what seriousness of purpose cannot be ascertained, for the repeal was not adopted, and the money was never paid<sup>a</sup>; and Sunderland seems to have continued to thwart and traverse a measure which he did not dare openly to resist. The absolute abrogation of laws under which so much property was held seemed to be beset with such difficulty, that in the autumn of the following year Tyrconnel, on his visit to England, proposed a more modified measure, which aimed only at affording a partial relief to the ancient proprietors. In the temper which then prevailed, a partial measure produced almost as much alarm as one more comprehensive, and was thought to be intended to pave the way for total resumption. The danger consisted in enquiry; the object of apprehension was any proceeding which brought this species of legal possession into question. The proprietors dreaded the approach of discussion to their invidious and originally iniquitous titles. It would be hard to expect that James should abstain from relieving his friends lest he might disturb the secure enjoyment of his enemies. Motives of policy, however, and some apprehensions of too sudden a shock to the feelings of Protestants in Great Britain, retarded the final adoption of this measure. It could only be carried into effect by the parliament of Ireland; and it was not thought wise to call a Parliament till every part of the internal policy of the kingdom which could influence the elections of that assembly should be completed. Probably, however, the delay principally arose from daring projects of separation and independence, which were entertained by Tyrconnel, and of which a short statement (in its most important parts hitherto unknown to the public) will conclude the account of his administration.

Tyrconnel  
aims at the  
sovereign  
power in  
Ireland.

In the year 1666, towards the close of the first Dutch war, Louis XIV. made preparations for invading Ireland with an army of 20,000 men, under the Duc de Beaufort, assured by the Irish

<sup>a</sup> Sheridan MSS.

ecclesiastics, that he would be joined by the Catholics, then more than usually incensed by the confirmation of the Act of Settlement, and by the English statutes against the importation of the produce of Ireland. To this plot, which was discovered by the Queen-mother at Paris, and by her disclosed to Charles II., it is not probable that so active a leader as Tyrconnel could have been a stranger.<sup>a</sup> We are informed by his secretary<sup>b</sup>, that, during his visits to England in 1686, he made no scruple to avow projects of the like nature, when, after some remarks on the King's declining age, and on the improbability that the Queen's children, if ever she had any, should live beyond infancy, he declared, "that the Irish would be fools or madmen if they submitted to be governed by the Prince of Orange, or by Hyde's grand-daughters; that they ought rather to take that opportunity of resolving no longer to be the slaves of England, but to set up a king of their own under the protection of France, which he was sure would be readily granted, and he added that nothing could be more advantageous to Ireland or ruinous to England." His reliance on French support was probably founded on the general policy of Louis XIV.; on his conduct towards Ireland in 1666, and, perhaps, on information from Catholic ecclesiastics in France: but he was not long content with these grounds of assurance. During his residence in England in the autumn of 1687, he had recourse to decisive and audacious measures for ascertaining how far he might rely on foreign aid in the execution of his ambitious schemes. A friend of his at court (whose name is concealed, but who probably was either Henry Jermyn or Father Petré,) applied

Intrigues  
with France.

<sup>a</sup> There are obscure intimations of this intended invasion in Carte's Ormond, ii. 328. The resolutions of the parliament of Ireland concerning it are to be found in the Gazette, 25th—28th December, 1665. Louis XIV. himself tells us, that he had a correspondence with those whom he calls the remains of Cromwell in England, and "with the Irish Catholics, who, always discontented with their condition, seem ever ready to join any enterprise which may render it more supportable. Oeuvres de Louis XIV., ii. 203. Sheridan's MS. contains more particulars. It is supported by the printed authorities as far as they go; and being written at St. Germain, probably differed little in matters of fact from the received statements of the Jacobite exiles.

<sup>b</sup> Sheridan MSS.

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on his behalf to M. Bonrepaux, a confidential agent then employed by the court of Versailles in London, on a special mission<sup>a</sup>, expressing his desire, in case of the death of James II., to take measures to prevent Ireland from falling under the domination of the Prince of Orange, and to place that country under the protection of the most Christian King. Tyrconnel expressed his desire that Bonrepaux should go to Chester for the sake of a full discussion of this important proposition. But that wary minister declined a step which would have amounted to the opening of a negotiation, until he had authority from his government. He promised to keep the secret, especially from Barillon, who it was feared would betray it to Sunderland, then avowedly distrusted by the Lord Deputy. The minister, in communicating this proposition to his court, adds, that he very certainly knew the King of England's intention to be to deprive his presumptive heir of Ireland, to make that country an asylum for all his Catholic subjects, and to complete his measures on that subject in the course of five years; a time which Tyrconnel thought much too long, and earnestly besought the King to abridge. Bonrepaux also observes, that the Prince of Orange certainly apprehended such designs; and James told the nuncio that one of the objects of the extraordinary mission of Dykveldt was the affair of Ireland, happily begun by Tyrconnel<sup>b</sup>, as the same prelate was afterwards informed by Sunderland, that Dykveldt expressed a fear of general designs against the succession of the Prince and Princess of Orange.<sup>c</sup> Bonrepaux was speedily instructed to inform Tyrconnel, that if on the death of James he could maintain himself in Ireland, he might rely on effectual aid from Louis to preserve the Catholic religion, and to separate that country from England, when under the dominion of a Protestant sovereign.<sup>d</sup> Tyrconnel is said to have agreed, without the knowledge of his own master, to put four Irish sea ports, Kinsale, Waterford, Limerick, and either

<sup>a</sup> Bonrepaux à Seignelai, 4th September, 1687. Fox MSS. ii. Supplement.

<sup>b</sup> Lettere de Mons. D'Adda, 7th Febbraio, 1687.

<sup>c</sup> Id. 20th June, 1687.

<sup>d</sup> Seignelai à Bonrepaux, 29th September, 1687.



Galway or Coleraine, into the hands of France.<sup>\*</sup> The remaining particulars of this bold and hazardous negotiation were reserved by Bonrepaux till his return to Paris; but he closes his last despatch with the singular intimation that several Scotch lords had sounded him on the succour they might expect from France, on the death of James, to exclude the Prince and Princess of Orange from the throne of Scotland: objects so far beyond the usual aim of ambition, and means so much at variance with prudence as well as duty, could hardly have presented themselves to any mind whose native violence had not been inflamed by an education in the school of conspiracy and insurrection; nor even to such but in a country which, from the division of its inhabitants, and the impolicy of its administration, had constantly stood on the brink of the most violent revolutions; where quiet seldom subsisted long but as the bitter fruit of terrible examples of cruelty and rapine, and where the majority of the people easily listened to offers of foreign aid against a government which they considered as the most hostile of foreigners.

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\* Sheridan MSS.

## CHAP. V.

RUPTURE WITH THE PROTESTANT TORIES. — INCREASED DECISION OF THE KING'S DESIGNS. — ENCROACHMENTS ON THE CHURCH ESTABLISHMENT. — CHARTER-HOUSE. — OXFORD UNIVERSITY COLLEGE. — CHRIST CHURCH. — EXETER COLLEGE, CAMBRIDGE. — MAGDALEN COLLEGE, OXON. — DECLARATION OF LIBERTY OF CONSCIENCE. — SIMILAR ATTEMPTS OF CHARLES. — PROCLAMATION AT EDINBURGH. — RESISTANCE OF THE CHURCH.

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Rupture with  
the Protest-  
ant Tories.

IN the beginning of the year 1687 the rupture of James with the powerful party who were ready to sacrifice all but the Church to his pleasure appeared to be irreparable. He had apparently destined Scotland to set the example of unbounded submission, under the forms of the constitution; and he undoubtedly hoped that the revolution in Ireland would supply him with the means of securing the obedience of his English subjects by intimidation or force. The failure of his project in the most Protestant part of his dominions, and its alarming success in the most Catholic, alike tended to widen the breach between parties in England. The Tories were more alienated from the crown by the example of their friends in Scotland, as well as by their dread of the Irish. An unreserved compliance with the King's designs became notoriously the condition by which office was to be obtained or preserved; and, except a very few instances of personal friendship, the public profession of the Catholic faith was required as the only security for that compliance. The royal confidence and the direction of public affairs were transferred from the Protestant Tories, in spite of their services and sufferings during half a century, into the hands of a faction, who, as their title to power was zeal for the advancement of Popery, must be called Papists, though some of them professed the Protestant religion, and though their

maxims of policy, both in church and state, were dreaded and resisted by the most considerable of the English Catholics.

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It is hard to determine, perhaps it might have been impossible for James himself to say, how far his designs for the advancement of the Roman Catholic church extended at the period of his accession to the throne. It is agreeable to the nature of such projects that he should not, at first, dare to avow to himself any intention beyond that of obtaining relief for his religion, and placing it in a condition of safety and honour; but it is altogether improbable that he had even then steadily fixed on a secure toleration as the utmost limit of his endeavours. His schemes were probably vague and fluctuating, assuming a greater distinctness with respect to the removal of grievous penalties and disabilities, but always ready to seek as much advantage for his church as the progress of circumstances should render attainable: sometimes drawn back to toleration by prudence or fear, on other occasions impelled to more daring counsels by the pride of success, or by anger at resistance. In this state of fluctuation it is not altogether irreconcilable with the irregularities of human nature that he might have sometimes yielded a faint and transient assent to those principles of religious liberty which he professed in his public acts, though even this superficial sincerity is hard to be reconciled with his share in the secret treaty of 1670; with his administration of Scotland, where he carried his passion for intolerance so far as to be the leader of one sect of heretics in the bloody persecution of another; and with his language to Barillon, to whom, at the very moment of his professed toleration, he declared his approbation of the cruelties of Louis XIV. against his own Protestant subjects.\* It would be extravagant to expect that the liberal maxims which adorned his public declarations had taken such a

\* "J'ai dit au Roi que V. M. n'avoit plus au cœur que de voir prosperer les soins qu'il prends ici pour y etablir la religion Catholique. S. M. B. me dit en me quittant; 'Vous voyez que je n'omets rien de ce qui est en mon pouvoir. J'espere que le Roi votre maître m'aidera, et que nous ferons de concert des grandes choses pour la religion.'" Barillon,

<sup>2d</sup>  
12th May, 1687. 1 Fox MSS. 183.

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hold on his mind as should withhold him from endeavouring to establish his own religion as soon as his sanguine zeal should lead him to think it practicable, or that he should not in process of time go on to guard it by that code of disabilities and penalties which was then enforced by every state in Europe except Holland, and deemed an indispensable security for their religion by every Christian community, except the obnoxious sects of the Socinians, Independents, Anabaptists, and Quakers. Whether he meditated a violent change of the established religion from the beginning, or only entered on a course of measures which must terminate in its subversion, is rather a philosophical than a political question. In both cases, apprehension and resistance were alike reasonable; and in neither could an appeal to arms be warranted until every other means of self-defence had proved manifestly hopeless.

Increased  
decision of  
the King's  
designs.

Whatever opinions may be formed of his intentions at an earlier period, it is evident that in the year 1687 his resolution was taken; though still no doubt influenced by the misgivings and fluctuations incident to vast and perilous projects, especially when they are entertained by those whose character is not so daring as their designs. All the measures of his internal government, during the eighteen months which ensued, were directed to the overthrow of the Established Church, an object which was to be attained by assuming a power above law, and could only be preserved by a force sufficient to bid defiance to the repugnance of the nation. An absolute monarchy, if not the first instrument of his purpose, must have been the last result of that series of victories over the people which the success of his design required. Such, indeed, were his conscientious opinions of the constitution, that he thought the Habeas Corpus Act inconsistent with it; and so strong was his conviction of the necessity of military force to his designs at that time, that in his dying advice to his son, written long afterwards, in secrecy and solitude, after a review of his own government, his injunction to the Prince is, "Keep up a considerable body of Catholic troops, without which you cannot be safe."\*

\* Life of James II., ii. 621.

The liberty of the people, and even the civil constitution, were as much the objects of hostility as the religion of the great majority, and their best security against ultimate persecution.

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The measures of the King's domestic policy, indeed, consisted rather in encroachments on the Church than in measures of relief to the Catholics. He, in May, 1686, granted dispensations to the curate of Putney, a convert to the Church of Rome, enabling him to hold his benefices, and relieving him from the performance of all the acts inconsistent with his new religion, which a long series of statutes had required clergymen of the Church of England to perform.\* By following this precedent, the King might have silently transferred to ecclesiastics of his own communion many benefices in every diocese of which the Bishop had not the courage to resist the dispensing power. The converted incumbents would preserve their livings under the protection of that prerogative, and Catholic priests might be presented to benefices without any new ordination; for the Church of England, although she treats the ministers of any other Protestant communion as being only in pretended holy orders, recognises the ordination of the Church of Rome, which she sometimes calls idolatrous, in order to maintain, even through idolatrous predecessors, that unbroken connection with the apostles which she deems essential to the power of conferring the sacerdotal character. This obscure encroachment, however, escaped general observation. The first attack on the laws to which resistance was made was a royal recommendation of Andrew Popham, a Catholic, to the Governors of the Charter House, (a hospital school, founded by a merchant of London, named Sutton, on the site of a Carthusian monastery,) to be re-

Encroachments on the Church Establishment.

Charter House.

\* Dispensation to Edward Sclater, rector of Esher and curate of Putney, dispensing with sixteen acts of parliament, from 21 Hen. VIII. to 17 Charles II., 3d May, 1686. — Gutch, *Collectanea Curiosa*, i. 290. and Reresby, 233. Lysons's *Environs of London*, i. 410. Sclater publicly recanted the Romish religion on the 5th of May, 1689, a pretty rapid retreat. Account of E. Sclater's return to the Church of England, by Dr. Horneck. London, 1689. It is remarkable that Sancroft so far exercised his archiepiscopal jurisdiction as to authorise Sclater's admission to the Protestant communion on condition of public recantation, at which Burnet preached: yet the pious Horneck owns that the juncture of time tempted him to smile.

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ceived by him as a pensioner on their opulent establishment, without taking the oaths required both by the general laws and by a statute<sup>a</sup> passed for the government of that foundation.<sup>b</sup> Among the governors were persons of the highest distinction in church and state. The Chancellor, at their first meeting, intimated the necessity of immediate compliance with the King's mandate. Thomas Bennet, Master of the Charter House, a man justly celebrated for genius, eloquence, and learning, had the courage to maintain the authority of the laws against an opponent so formidable. He was supported by the aged Duke of Ormond, and Jeffreys's motion was negatived. A second letter to the same effect was addressed to the Governors, which they persevered in resisting; assigning their reasons in a letter<sup>c</sup> to one of the secretaries of state, which was subscribed by the Archbishop of Canterbury, the Bishop of London, Ormond, Halifax, Nottingham, and Danby. This courageous resistance by a single clergyman, countenanced by such weighty names, induced the court to pause till experiments were tried in other places, where politicians so important could not directly interfere. The attack on the Charter House was suspended and never afterwards resumed. To Bennet, who thus threw himself alone into the breach, much of the merit of the stand which followed justly belongs: he was requited like other public benefactors; his friends forgot the service, and his enemies were excited by the remembrance of it to defeat his promotion, on the pretext of his free exercise of reason in the interpretation of the Scriptures, which the established clergy zealously maintained in vindication of their own separation from the Roman Church, but treated with little tenderness in those who dissented from their own creed.

Measures of a bolder nature were resorted to on a more conspicuous stage. The two great universities of Oxford and Cam-

<sup>a</sup> 3 Charles I. (Private Act.)

<sup>b</sup> 20th December, 1686. Relation of the Proceedings at the Charter House, p. 3. London, 1689. folio. Carte's Ormond, ii. 246.

<sup>c</sup> 25th June, 1687.

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bridge, the most opulent and splendid literary institutions of Europe, were from their foundation under the government of the clergy, the only body of men who then possessed sufficient learning to conduct education. Their constitution was not much altered at the Reformation: the same reverence which spared their monastic regulations happily preserved their rich endowments from rapine; and though many of their members suffered at the close of the civil war from their adherence to the vanquished party, the corporate property was undisturbed, and their studies flourished both under the Commonwealth and the Protectorate. Their fame as seats of learning, their station as the ecclesiastical capitals of the kingdom, and their ascendant over the susceptible minds of all youth of family and fortune, now rendered them the chief scene of the decisive contest between James and the established church. Obadiah Walker, Master of University College in Oxford, a man of no small note for ability and learning, and long a concealed Catholic, now obtained for himself, and two of his fellows, a dispensation from all those acts of participation in the Protestant worship which the laws since the Reformation required from them\*, together with a license for the publication of books of Catholic theology. He established a printing press, and a Catholic chapel in his college, which was henceforth regarded as having fallen into the hands of the Catholics. Both these exertions of the prerogative had preceded the determination of the judges, which was supposed by the King to establish its legality. Animated by that determination, he (contrary to the advice of Sunderland, who thought it safer to choose a well affected Protestant,) proceeded to appoint one Massey, a Catholic, who appears to have been a layman, to the high station of Dean of Christ Church at Oxford, by which he became a dignitary of the Church of England, as well as the ruler of the greatest college in the university. A dispensation and pardon had been granted to him on the 16th of December, 1686, dispensing with the numerous statutes which

University  
College,  
Oxford.

\* In May, 1686. Gutch's Collect. Curios. i. 287. Wood's Athenæ Oxon. iv. 438. ed. 1820. Dod's Church History, iii. 454.

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stood in the way of his promotion, one of which was the act of uniformity, the only foundation of the legal establishment<sup>a</sup> of the Church. His refusal of the oath of supremacy was recorded; but he was, notwithstanding, installed in the deanery without resistance or even remonstrance, by Aldrich, the sub-dean, an eminent divine of the high church party, who, on the part of the College, accepted the dispensation as a substitute for the oaths required by law. Massey appears to have attended the chapter officially on several occasions, and to have presided at the election of a Bishop of Oxford near two years afterwards.

Thus did that celebrated society, overawed by power, or still misled by their extravagant principle of unlimited obedience, or, perhaps, not yet aware of the extent of the King's designs, recognise the legality of his usurped power by the surrender of an academical office of ecclesiastical dignity into hands which the laws had disabled from holding it. It was no wonder, that the unprecedented vacancy of the archbishopric of York for two years and a half was generally imputed to the King's intending it for Father Petré; a supposition countenanced by his frequent application to Rome to obtain a bishopric and a cardinal's hat for that Jesuit<sup>b</sup>; for if he had been a Catholic bishop, and if the chapter of York were as submissive as that of Christ Church, the royal dispensation would have seated him on the archiepiscopal throne. The Jesuits were bound by a vow<sup>c</sup> not to accept bishoprics unless compelled by a precept from the Pope, so that his interference was necessary to open the gates of the English church to Petré.

Exeter  
College.

An attempt was made on specious grounds to take possession of another college at Oxford, by a suit before the ecclesiastical commissioners, in which private individuals were the apparent parties.

<sup>a</sup> Letters of Henry Earl of Clarendon, ii. 278. Gutch's Coll. Cur. ii. 294. The dispensation to Massey contained an ostentatious enumeration of the laws which it sets at defiance.

<sup>b</sup> Dod's Ch. Hist. iii. 511. D'Adda's MSS. Corresp. 1687.

<sup>c</sup> Imposed by Ignatius, at the suggestion of Claude Le Jay, an original member of the order, who wished to avoid a bishopric, probably from humility, but the regulation afterwards prevented the Jesuits from looking for advancement any where but to Rome.



The noble family of Petre (of whom Father Edward Petre was one), in January, 1687, claimed the right of nomination to seven fellowships in Exeter College, which had been founded there by Sir W. Petre, in the reign of Elizabeth. It was acknowledged on the part of the college, that Sir William and his son had exercised that power, though the latter, as they contended, had nominated only by sufferance. The Bishop of Exeter, the visitor of the college, had, in the reign of James I., pronounced an opinion against the founder's descendants, and a judgment had been obtained against them in the Court of Common Pleas about the same time. Under the sanction of these authorities, the college had for seventy years nominated to these fellowships without disturbance from the family of Petre. Allibone, the Catholic lawyer, contended, that this long usage, which would otherwise have been conclusive, deserved little consideration in a period of such iniquity towards Catholics that they were deterred from asserting their civil rights. Lord Chief Justice Herbert observed, that the question turned upon the agreement between Sir William Petre and Exeter College, under which that body received the fellows on his foundation. Jeffreys, perhaps, fearful of violent measures at so early a stage, and taking advantage of the non-appearance of the Crown as an ostensible party, declared his concurrence with the Chief Justice, and the court determined that the suit was a civil case, dependent on the interpretation of a contract, and therefore not within their jurisdiction as commissioners of ecclesiastical causes. Sprat afterwards took some merit to himself for having contributed to save Exeter College from the hands of the enemy. But the concurrence of the Chancellor and Chief Justice, and the technical ground of the determination, render the vigour and value of his resistance very doubtful.\*

The honour of opposing the illegal power of the Crown devolved

\* Sprat's Letter to Lord Dorset, p. 12. This case is now published from the Records of Exeter College, for the first time, through the kind permission of Dr. Jones, the present rector of that society.

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on Cambridge, second to Oxford in rank and magnificence, but then more distinguished by zeal for liberty: a distinction probably originating from the long residence of Charles I. at Oxford, and from the prevalence of the parliamentary party at the same period, in the country around Cambridge. The experiment was made there on the whole university, but it was of a cautious and timid nature, and related to a case important in nothing but the principle which it would have established. Early in February, 1687, the King recommended Alban Francis, a Benedictine monk (said to have been a missionary employed to convert the young scholars to the Church of Rome, on whom an academical honour could hardly have been conferred without some appearance of countenancing his mission), to be admitted a master of arts; which was a common act of kingly authority; and granted him a dispensation from the oaths appointed by law to be taken on such an admission.<sup>a</sup> Peachell, the vice-chancellor, declared, that he could not tell what to do; to decline his Majesty's letter or his laws. Men of more wisdom and courage persuaded him to choose the better part. He refused the degree without the legal condition.<sup>b</sup> On the complaint of Francis he was summoned before the ecclesiastical commissioners to answer for his disobedience. He was vigorously supported by the university, who appointed deputies to attend him to the bar of the hostile tribunal, and after several hearings he was deprived of his vice-chancellorship, and suspended from his office of master of Magdalen College. Among the deputies at the bar, and probably undistinguished from the rest by the ignorant and arrogant Chancellor, who looked down upon them all with the like scorn, stood Isaac Newton, Professor of Mathematics in the university, then employed in the publication of a work which will perish only with the world, but who showed

<sup>a</sup> State Trials, xi. 1350. N. Lutterell, April and May, 1687.

<sup>b</sup> Pepys' Diary, ii. Corresp. 79. He consistently pursued the doctrine of passive obedience. "If," says he, "his M., in his wisdom, and according to his supreme power, contrive other methods to satisfy himself, *I shall be no murmurer or complainer*, but can be no abettor." Ibid. 81.

on that, as on every other fit opportunity in his life, that the most sublime contemplations and the most glorious discoveries could not withdraw him from the defence of the liberties of his country.

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But the attack on Oxford, which immediately ensued, was the most memorable of all. The presidency of Magdalen College, one of the most richly endowed communities of the English universities, had lately become vacant by the death of the president, in the end of March, 1687.\* It appears to have given occasion to immediate attempts to obtain from the King a nomination to that desirable office. . Smith, one of the fellows, paid his court, with this view, to Parker, the treacherous Bishop of Oxford<sup>b</sup>, who, after having sounded his friends at court, warned him "that the King expected the person to be recommended should be favourable to his religion." Smith answered by general expressions of loyalty, which Parker assured him "would not do." A few days afterwards<sup>c</sup>, Sancroft anxiously asked Smith who was to be the president; to which he answered, "Not I; I never will comply with the conditions." Some rumours of the projects of James probably induced the fellows of Magdalen College, on the 31st of March, to appoint the meeting for the election for the 13th of April. On the 5th of April, the King issued his letter mandatory, commanding them to make choice of Antony Farmer, not a member of the college, and a recent convert to the Church of Rome, "any statute or custom to the contrary notwithstanding." On the 9th, the fellows agreed to a petition to the King, which was delivered the next day to Lord Sunderland, to be laid before his Majesty, in which they alleged that Farmer was legally incapable of the office, and prayed either that they might be left to make a free election, or that the King would recommend some person fit to be preferred. On the 11th, the mandate arrived, and on the 13th the election was postponed to the 15th, the last day on which it could by the statutes be made, to allow

Magdalen  
College,  
Oxon.

\* State Trials, xii. 1. Wilmot's Life of Hough, particularly the Journal of Dr. Smith, a fellow who submitted to the royal command; in Howell's edition of the State Trials.

<sup>b</sup> 26th and 29th March, 1687.

<sup>c</sup> 5th April, 1687.

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time for receiving an answer to the petition. On that day they were informed that the King "expected to be obeyed." A small number of senior fellows proposed a second petition, but the larger and younger part rejected the proposal with indignation, and proceeded to the election of Mr. Hough, after a discussion more agreeable to the natural feelings of injured men than to the principles of passive obedience recently promulgated by the university.<sup>a</sup> The fellows were summoned, in June, before the Ecclesiastical Commission, to answer for their contempt of his Majesty's commands. On their appearance, Fairfax, one of their body, having desired to know the commission by which the court sat, Jeffreys said to him, "What commission have you to be so impudent in court. This man ought to be kept in a dark room. Why do you suffer him without a guardian?"<sup>b</sup> On the 22d of that month, Hough's election was pronounced to be void, and the vice-president, with two of the fellows, were suspended. But proofs of such notorious and vulgar profligacy had been produced against Farmer, that it was thought necessary to withdraw him in August. The fellows were directed by a new mandate to admit Parker, bishop of Oxford, to the presidency.

This man was as much disabled by the statutes of the college as Farmer, but as servility and treachery, though immoralities often of a deeper dye than debauchery, are neither so capable of proof nor so easily stripped of their disguises, the fellows were by this recommendation driven to the necessity of denying the dispensing power. Their inducements, however, to resist him, were strengthened by the impossibility of representing them to the King. Parker, originally a fanatical puritan, became a bigoted churchman at the Restoration, and disgraced abilities not inconsiderable by the zeal with which he defended the persecution of

<sup>a</sup> Hot debates arose about the King's letter, and horrible rude reflections were made upon his authority, that he had nothing to do in our affair, *and things of a far worse nature and consequence*. I told one of them that the spirit of Fergusson had got into him. T. Smith's Diary. Howell's State Trials, xii. 58.

<sup>b</sup> In N. Lutterell's Diary, Jeffreys is made to say of Fairfax, "He is fitter to be in a madhouse."

his late brethren, and by the unbridled ribaldry with which he reviled the most virtuous men among them. His labours for the Church of England were no sooner rewarded by the bishopric of Oxford, than he transferred his services, if not his faith, to the Church of Rome, which then began to be openly patronised by the Court, and seems to have retained his station in the Protestant hierarchy in order to contribute more effectually to its destruction. The zeal of those who are more anxious to recommend themselves than to promote their cause is often too eager, and the convivial enjoyments of Parker often betrayed him into very imprudent and unseemly language.<sup>a</sup> Against such an intruder the members of Magdalen College had the most powerful motives to make a vigorous resistance. They were summoned into the presence of the King when he arrived at Oxford in September, and was received by the body of the university with such demonstrations of loyalty as to be boasted of in the Gazette.<sup>b</sup> “The King chid them very much for their disobedience,” says one of his attendants, “and with a much greater appearance of anger than ever I perceived in his Majesty; who bade them go away and choose the Bishop of Oxford, or else they should certainly feel the weight of their sovereign’s displeasure.”<sup>c</sup> They answered respectfully, but persevered. They received private warnings, that it was better to acquiesce in a head of suspected religion, such as the Bishop, than expose themselves to be destroyed by the subservient judges, in proceedings of *quo warranto*, for which the inevitable breaches of their innumerable statutes would supply a fairer pretext than was sufficient in the other corporations, or subject themselves to innovations in their religious worship, which might be imposed by the King in virtue of his undefined supremacy over the Church.<sup>d</sup> These insinuations proving vain, the King issued

<sup>a</sup> *Athenæ Oxon.* ii. 814. It appears that he refused on his death-bed to declare himself a Catholic, which Evelyn justly thinks strange. Evelyn, i. 605.

<sup>b</sup> *London Gaz.* September 5—8., 1687.

<sup>c</sup> *Pepys’ Diary*, &c. ii. Appendix, 86. Letter of Blathwaite, Secretary of War, to Pepys, Oxford, 5th September, 1687.

<sup>d</sup> Howell, *State Trials*, xii. 19, &c.

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a commission to Cartwright, Bishop of Chester, Chief Justice Wright, and Baron Jenner, to examine the state of Magdalen College, with full power to alter the statutes and frame new ones, in execution of the authority which he claimed as supreme visitor of cathedrals and colleges, which was held to supersede the powers of their ordinary visitors. The commissioners accordingly arrived at Oxford on the 20th of October, for the purpose of this royal visitation; and the object of it was opened by Cartwright, in a speech full of anger and menace. Hough maintained his own rights and those of his college with equal decorum and firmness. On being asked whether he submitted to the visitation, he answered, "We submit to it as far as it is consistent with the laws of the land and the statutes of the college, but no farther. There neither is nor can be a president as long as I live and obey the statutes." The court cited five cases of nomination to the presidency by the Crown since the Reformation, of which he appears to have disputed only one. But he was unshaken: he refused to give up possession of his house to Parker; and when, on the second day, they deprived him of the presidency, and struck his name off the books, he came into the hall, and protested "against all they had done in prejudice of his right, as illegal, unjust, and null." The strangers and young scholars loudly applauded his courage, which so incensed the court, that the Chief Justice bound him to appear in the King's Bench in a thousand pounds. Parker having been put into possession by force, a majority of the fellows were prevailed on to submit, "as far as was lawful and agreeable to the statutes of the college." The appearance of compromise to which every man feared that his companion might be tempted to yield, shook their firmness for a moment. Fortunately the imprudence of the King set them again at liberty. The answer with which the commissioners were willing to be content did not satisfy him. He required a written submission, in which the fellows should acknowledge their disobedience, and express their sorrow for it. On this proposition they withdrew their former submission, and gave in a writing, in which they finally declared, "that they could

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not acknowledge themselves to have done any thing amiss." The Bishop of Chester, on the 16th of November, pronounced the judgment of the court; by which, on their refusal to subscribe a humble acknowledgment of their errors, they were deprived and expelled from their fellowships. Cartwright, like Parker, had originally been a puritan, and was made a churchman by the Restoration. He ran the same race, though with less vigorous powers. He was made Bishop of Chester for a sermon, in which he had inculcated the doctrine, that the promises of kings were not binding<sup>a</sup>; within a few months after these services at Oxford, he was rebuked by the King, for saying in his cups that Jeffreys and Sunderland would deceive him.<sup>b</sup> He was suspected of more opprobrious vices. But the merit of being useful in an odious project was sufficient to cancel all private guilt. A design was at that time entertained of promoting him to the see of London, as soon as the deprivation of Compton, which was in contemplation, should be carried into execution.<sup>c</sup> Early in December, the fellows of Magdalen were incapacitated to hold any benefice or preferment in the church by the ecclesiastical commissioners; a decree, however, which passed that body only by a majority of one; the minority consisting of Lord Mulgrave, Lord Chief Justice Herbert, Baron Jenner, and Sprat, Bishop of Rochester, who boasts, that he laboured to make the commission, which he countenanced by his presence, as little mischievous as he could.<sup>d</sup>

This rigorous measure was probably adopted from the knowledge, that many of the nobility and gentry intended to bestow livings in the church on many of the ejected fellows.<sup>e</sup> The King

<sup>a</sup> Sermon at Ripon, 6th February, 1686. "The King hath, indeed, promised to govern by law; but the safety of the people (of which he is judge) is an exception implied in every monarchical promise." See also his sermon on the 30th January, 1682, at Holyrood House, before the Lady Anne.

<sup>b</sup> Narcissus Lutterell, February, 1688.

<sup>c</sup> Johnston (son of Warriston) to Burnet, 8th December, 1687. Welbeck MSS. Sprat, in his letter to Dorset, speaks of "farther proceedings" as being meditated against Compton.

<sup>d</sup> Johnston, *ibid.* He does not name the majority. They, probably, were Jeffreys, Sunderland, the Bishops of Chester and Durham, and Lord Chief Justice Wright.

<sup>e</sup> Johnston to Burnet, 17th November, 1687.

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told Sir Edward Seymour, that he had heard that he and others intended to take some of the fellows into their houses, and added, that he should look on it as a combination against him.<sup>a</sup> But in spite of these threats considerable collections were made for them; and when the particulars of the transaction were made known in Holland, the Princess of Orange contributed two hundred pounds to their relief.<sup>b</sup> It was probably by some part of them, that a person so prudent as well as mild, was so transported beyond her usual meekness as to say to D'Albyville, James's minister at the Hague, that if she ever became queen, she would signalise her zeal for the church more than Elizabeth.<sup>c</sup> The King represented to Barillon the apparently triumphant progress which he made through the south and west of England, in the course of which he gave such unbecoming reproof to the fellows of Magdalen College, as a satisfactory proof of the popularity of his person and government.<sup>d</sup> But that experienced statesman, not deceived by these outward shows, began from that moment to see more clearly the dangers which James had to encounter. An attack on the most opulent establishment for education of the kingdom; the expulsion of a body of learned men from their private property without any trial known to the laws, and for no other offence than obstinate adherence to their oaths, and the transfer of their great endowments to the clergy of the King's persuasion, who were legally unable to hold them, even if he had justly acquired the power of bestowing them, were measures of bigotry and rapine, odious and alarming without being terrible, and by which the King lost the attachment of many friends, without inspiring his opponents with much fear. The members of Magdalen College were so much the objects of general sympathy and respect, that though they justly obtained the honours of martyrdom, they experienced little of its sufferings. It is hard to imagine a more unskilful attempt to persecute, than that which thus inflicted

<sup>a</sup> Johnston to Burnet, 8th Dec. 1687.

<sup>b</sup> Smith's Diary in Howell's State Trials, xii. 73.

<sup>c</sup> Barillon au Roi, 23d September, 1687. Fox MSS., 202.

<sup>d</sup> Id. 29th September, 1687. Ibid. 203.



sufferings most easily relieved on men who were most generally respected. In corporations so great as the university the wrongs of every member were quickly felt and resented by the whole body; and the feelings prevalent among them were speedily spread over the kingdom, of which every part received from them preceptors in learning and teachers of religion (a circumstance of peculiar importance at a period when publication still continued to be slow and imperfect). A contest for a corporate right has the advantage of seeming more generous than that for individual interest, and corporate spirit itself is one of the most steady and inflexible principles of human action. An invasion on the legal possessions of the universities was an attack on the strong holds as well as palaces of the Church, and where she was guarded by the magnificence of art, and the dignity and antiquity of learning, as well as by respect for religion. It was made on principles which tended directly to subject the whole property of the Church to the pleasure of the Crown; and as soon as, in a conspicuous and extensive instance, the sacredness of legal possession is intentionally violated, the security of all property is endangered. Whether such proceedings were reconcilable to law, and could be justified by the ordinary authorities and arguments of lawyers, was a question of very subordinate importance.

At an early stage of the proceedings against the universities, the King, not content with releasing individuals from obedience to the law by dispensations in particular cases, resolved on altogether suspending the operation of penal laws relating to religion by one general measure. He accordingly issued, on the 4th of April, 1687\*, "A Declaration for Liberty of Conscience;" which, after the statement of those principles of equity and policy on which religious liberty is founded, proceeds to make provisions in their own nature so wise and just that they want nothing but lawful authority and pure intention to render them worthy of admiration. It suspends the execution of all penal laws for non-

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Declaration  
of liberty of  
conscience.

\* London Gazette, 4th April to 7th April, 1687.

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conformity, and of all laws which require certain acts of conformity, as qualifications for civil or military office: it gives leave to all men to meet and serve God after their manner, publicly and privately, and denounces the royal displeasure and the vengeance of the land against all who should disturb any religious worship; and, finally, "in order that his loving subjects may be discharged from all penalties, forfeitures, and disabilities, which they may have incurred, grants them a free pardon for all crimes by them committed against the said penal laws." This declaration, founded on the supposed power of suspending laws, was, in several respects, of more extensive operation than the exercise of the power to dispense with them. The laws of disqualification only became penal when the nonconformist was a candidate for office; and not necessarily implying immorality in the person disqualified, might, according to the doctrine then received, be the proper object of a dispensation. But some acts of nonconformity, which might be committed by all men, and which did not of necessity involve a conscientious dissent, were regarded as in themselves immoral, and to them it was acknowledged that the dispensing power did not extend. Dispensations, however multiplied, are presumed to be grounded on the special circumstances of each case. But every exercise of the power of indefinitely suspending a whole class of laws which must be grounded on general reasons of policy, without any consideration of the circumstances of particular individuals, is evidently a more undisguised assumption of legislative authority. There were practical differences of considerable importance. No dispensation could prevent a legal proceeding from being commenced and carried on as far as the point when it was regular to appeal to the dispensation as a defence. But the declaration which suspended the laws stopped the prosecutor on the threshold; and in the case of disqualification it seemed to preclude the necessity of all subsequent dispensations to individuals. The dispensing power might remove disabilities, and protect from punishment; but the exemption from expense, and the security against vexation, were completed only by this exercise of the suspending power.

Acts of a similar nature had been twice attempted by Charles II. The first was in the year of his restoration; in which<sup>a</sup>, after many concessions to Dissenters, which might be considered as provisional, and only to be binding till the negotiation for a general union in religion should be closed, he adds, "We hereby renew what we promised in our declaration from Breda, that no man should be disquieted for difference of opinion in matters of religion, which do not disturb the peace of the kingdom." On the faith of that promise the English Nonconformists had concurred in the Restoration; yet the Convention Parliament itself, in which the Presbyterians were powerful, if not predominant, refused, though by a small majority, to pass a bill to render this tolerant declaration effectual.<sup>b</sup> But the second parliament, elected under the prevalence of a different spirit, broke the public faith by the Act of Uniformity, which prohibited all public worship and religious instruction, except such as were conformable to the Established Church.<sup>c</sup> The zeal of that assembly had, indeed, at its opening, been stimulated by Clarendon, the deepest stain on whose administration is the renewal of intolerance.<sup>d</sup> Charles, whether most actuated by love of quiet, or by indifference to religion, or by a desire to open the gates to Dissenters, that Catholics might enter, made an attempt to preserve the public faith which he had himself pledged by the exercise of his dispensing power. In the end of 1662<sup>e</sup> he published a declaration, in which he assured peaceable Dissenters, who were only desirous modestly to perform their devotions in their way, that he would

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Similar attempts of Charles.

<sup>a</sup> Declaration in Ecclesiastical Affairs, 25th October, 1660. Kennett, iii. 242.

<sup>b</sup> Commons' Journals, 28th November, 1660. On the second reading the members were, ayes, 157; noes, 183. Sir G. Booth, a teller for the ayes, was a Presbyterian leader.

<sup>c</sup> 14 Charles II. c. iv. s. 10—15., passed in May, 1662.

<sup>d</sup> Speeches of the Lord Chancellor, 8th May, 1661, and 19th May, 1662. "The Lords Clarendon and Southampton, together with the bishops, were the great opposers of the King's intention to grant toleration to Dissenters, according to the promise at Breda." Life of James II., 391. These, indeed, are not the words of the King; but for more than twelve years on this part of his life the compiler, Mr. Dicconson, does not quote James's MSS.

<sup>e</sup> 25th December, 1662. Kennett's Register, 850. The concluding paragraph, relating to Catholics, is a model of that stately ambiguity under which the style of Clarendon gave him peculiar facilities of cloaking an unpopular proposal.

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make it his special care to incline the wisdom of parliament to concur with him in making some act which, he adds, "may enable us to exercise, with a more universal satisfaction, the dispensing power which we conceive to be inherent in us." In the speech with which he opened the next session, he only ventures to say, "I could heartily wish I had such a power of indulgence."<sup>a</sup> The Commons, however, better royalists or more zealous churchmen than the King, resolved that it be represented to his Majesty, as the humble advice of this House, that no indulgence be granted to Dissenters from the Act of Uniformity<sup>b</sup>; and an address to that effect was presented to him, which had been drawn up by Sir Heneage Finch, his own solicitor-general. The King, counteracted by his ministers, almost silently acquiesced; and the parliament proceeded, in the years which immediately followed, to enact that series of persecuting laws which disgrace their memory, and dishonour an administration otherwise not without claims on praise. It was not till the beginning of the second Dutch war<sup>c</sup>, that "a declaration for indulging Nonconformists in matters ecclesiastical" was advised by Sir Thomas Clifford, for the sake of Catholics<sup>d</sup>, and embraced by Shaftesbury for the general interests of religious liberty. A considerable debate on this declaration took place in the House of Commons, in which Waller alone had the boldness and liberality to contend for the toleration of the Catholics; but the principle of freedom of conscience, and the desire to gratify

<sup>a</sup> King's Speech, 18th February, 1663.

<sup>b</sup> Commons' Journals, 25th February, 1663.

<sup>c</sup> 15th March, 1672. "We think ourselves obliged to make use of that supreme power in ecclesiastical matters which is inherent in us. We declare our will and pleasure, that the execution of all penal laws in matters ecclesiastical be suspended, and we shall allow a sufficient number of places of worship as they shall be desired, for the use of those who do not conform to the Church of England," without allowing public worship to Roman Catholics.

<sup>d</sup> Locke's Letter from a Person of Quality ———, unpublished, though printed, Life of the Earl of Shaftesbury, chiefly from the papers of Mr. Stronger, 247.

Most English historians tell us that Sir Orlando Bridgman refused to put the Great Seal to this declaration, and that Lord Shaftesbury was made Chancellor to seal it. The falsehood of this statement is proved by the mere inspection of the London Gazette, by which we see that the declaration was issued on the 15th of March, when Lord Shaftesbury was not yet appointed.

the King, yielded to the dread of prerogative and the enmity to the Church of Rome. An address was presented<sup>a</sup> to the King, "to inform him that penal statutes in matters ecclesiastical cannot be suspended but by act of parliament." The King returned an evasive answer; and the House presented another address, declaring "that the King was very much misinformed, no such power having been claimed or recognised by any of his predecessors, and if admitted, might tend to altering the legislature, which has always been acknowledged to be in your Majesty and your two Houses of parliament." In answer to which the King said, "If any scruple remains concerning the suspension of the penal laws, I hereby faithfully promise that what hath been done in that particular shall not be drawn either into consequence or example." The Chancellor and Mr. Secretary Coventry, by command of the King, acquainted both Houses separately, on the same day, that he had caused the declaration to be cancelled in his presence; on which both Houses immediately voted, and presented in a body, an unanimous address of thanks to his Majesty, "for his gracious, full, and satisfactory answer."<sup>b</sup> The whole of this transaction undoubtedly amounted to a solemn and final condemnation of the pretension to a suspending power by the King in parliament: it was in substance not distinguishable from a declaratory law; and the forms of a statute seem to have been dispensed with to avoid the appearance of distrust or discourtesy towards Charles. We can discover, in the very imperfect accounts which are preserved of the debates of 1673, that the advocates of the Crown had laid main stress on the King's ecclesiastical supremacy; it being, as they reasoned, evident that the head of the Church should be left to judge when it was wise to execute or suspend the laws intended for its protection. They relied also on the undisputed right of the Crown to stop the progress of each single prosecution which seemed to justify, by analogy, a more general exertion of the same power. James, in the declaration of indulgence, disdaining any appeals to analogy

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<sup>a</sup> 10th and 14th February, 1673: ayes, 168; noes, 116.

<sup>b</sup> Commons' Journals, 8th March, 1673.

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or to his supremacy, chose to take a wider and higher ground, and concluded the preamble in the tone of a master:—"We have thought fit, by virtue of our royal prerogative, to issue forth this our declaration of indulgence, making no doubt of the concurrence of our two Houses of parliament, when we shall think it convenient for them to meet." His declaration was issued in manifest defiance of the parliamentary condemnation pronounced on that of his brother, and it was introduced in language of more undefined and alarming extent. On the other hand, his measure was countenanced by the determination of the judges, and seemed to be only a more compendious and convenient manner of effecting what these perfidious magistrates had declared he might lawfully do. That iniquitous decision might excuse many of those who were ignorant of the means by which it was obtained; but the King himself, who had removed judges too honest to concur in the judgment, and neither continued nor appointed any whose subserviency he had not first ascertained, could plead no such authority in mitigation. He had dictated the oracle which he affected to obey. It is very observable that he himself, or rather his biographer (for it is not just to impute this base excuse to himself), while he claims the protecting authority of the adjudication, is prudently silent on the unrighteous practices by which that show of authority was purchased.\*

Proclamation at Edinburgh.

The way had been paved for the English declaration of indulgence by a proclamation issued at Edinburgh<sup>b</sup>, couched in loftier language than had been hazarded in England:—"We, by our sovereign authority, prerogative royal, and absolute power, do hereby give and grant our royal toleration. We allow and tolerate the moderate Presbyterians to meet in their private houses, and to hear such ministers as have been or are willing to accept of our indulgence, but they are not to build meeting-houses but to exer-

\* Life of James II. 81. "He," says the biographer, "had no other oracle to apply to on intricate points."

<sup>b</sup> 12th February, 1687. Woodrow, ii. App. No. 129. London Gazette, 28th February to 3d March.

cise in houses. We tolerate Quakers to meet in their form in any place or places appointed for their worship: and we, by our sovereign authority, &c. suspend, stop, and disable, all laws or acts of parliament made or executed against any of our Roman Catholic subjects, so that they shall be free to exercise their religion and to enjoy all; but they are to exercise in houses or chapels: and we cass, annul, and discharge all oaths by which our subjects are disabled from holding offices." He concludes by confirming the proprietors of church lands in their possession, which seemed to be wholly unnecessary while the Protestant establishment endured; and adds an assurance more likely to disquiet than to satisfy, "that he will not use force against any man for the Protestant religion."

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In a short time afterwards<sup>a</sup> he extended this indulgence to those Presbyterians who scrupled to take the test or any other oath. And in a few months more<sup>b</sup> all restrictions on toleration were removed, by the permission granted to all persons to serve God in their own manner in private houses, chapels, or houses built or hired for the purpose<sup>c</sup>; or, in other words, he established, by his own sole authority, the most unbounded liberty of worship and religious instruction, either in public or in private, in a country where the laws treated every act of dissent from the established religion as one of the most heinous crimes. There is no other example, perhaps, of so excellent an object being pursued by means so culpable, or for purposes in which evil was so much blended with good.

James was equally astonished and incensed at the resistance of the Church of England. Their warm professions of loyalty; their acquiescence in measures directed only against civil liberty; their solemn condemnation of forcible resistance to oppression (the lawfulness of which constitutes the main strength of every opposition to misgovernment), had persuaded him, that they would look patiently on the demolition of all the bulwarks of their own

Resistance  
of the  
Church.

<sup>a</sup> 31st March, 1687. Woodrow, ii. App. No. 132.

<sup>b</sup> 5th July, 1687. Id. No. 134.

<sup>c</sup> Fountainhall, i. 463.

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wealth, and greatness, and power, and submit in silence to measures which, after stripping the Protestant religion of all its temporal aid, might at length leave it exposed to persecution. He did not distinguish between legal opposition and violent resistance: he believed in the adherence of multitudes to professions poured forth in a moment of enthusiasm; and he was so ignorant of human nature as to imagine, that speculative opinions of a very extravagant sort, even if they could be stable, were sufficient to supersede interest and habits, to bend the pride of high establishments, and to stem the passions of a nation in a state of intense excitement. Yet James had been admonished by the highest authority to beware of this delusion. Morley, Bishop of Winchester, a veteran royalist and episcopalian, whose fidelity had been tried, but whose judgment had been informed in the civil war, almost with his dying breath desired Lord Dartmouth to warn the King, that if ever he depended on the doctrine of non-resistance he would find himself deceived, for that most of the Church would contradict it in their practice though not in terms. It was to no purpose that Dartmouth frequently reminded him of Morley's last message; for he answered, "that the Bishop was a good man, but grown old and timid."<sup>a</sup>

It must be owned, on the other hand, that there were not wanting considerations which excuse the expectation and explain the disappointment of James. Wiser men than he have been the dupes of that natural prejudice, which leads us to look for the same consistency between the different parts of conduct which is in some degree found to prevail among the different reasonings and opinions of every man of sound mind. It cannot be denied that the Church had done much to delude him. For they did not content themselves with never controverting, or even confine themselves to calmly preaching the doctrine of non-resistance, which might be justified and perhaps commended, but it was constantly and vehemently inculcated: the furious preachers treated

<sup>a</sup> Lord Dartmouth's note. Burnet, ii. 428. Oxford, 1723.



all who doubted it with the fiercest scurrility<sup>a</sup>, and the most pure and gentle were ready to introduce it harshly and unseasonably<sup>b</sup>; and they all boasted of it, perhaps with reason, as a peculiar characteristic which distinguished the Church of England from other Christian communities. Nay, if a solemn declaration from an authority second only to the Church, assembled in a national council, could have been a security for their conduct, the judgment of the University of Oxford, in their convocation in 1683, may seem to warrant the utmost expectations of the King. For among other positions condemned by that learned body, one was, "that if lawful governors become tyrants, or govern otherwise than by the laws of God or man they ought to do, they forfeit the right they had unto their government."<sup>c</sup> Now, it is manifest, that, according to this determination, if the King had abolished parliaments, shut the courts of justice, and changed the laws according to his pleasure, he would nevertheless retain the same rights as before over all his subjects; that any part of them who resisted him would still contract the full guilt of rebellion; and that the co-operation of the sounder portion to repress the revolt would be a moral duty and a lawful service. How, then, could it be reasonable to withstand him in far less assaults on his subjects, and to turn against him laws which owed their continuance solely to his good pleasure. Whether this last mode of reasoning be proof against all objections, it was at least specious enough to satisfy the King, when it agreed with his passions and supposed interest.

<sup>a</sup> South, *passim*.

<sup>b</sup> Tillotson on the death of Lord Russell.

About a year before the time to which the text alludes, in a visitation sermon preached before Sancroft by Kettlewell, an excellent man, in whom nothing was stern but this principle, this doctrine is inculcated to such an extent as, according to the usual interpretation of the passage in Paul's Epistle to the Romans (xiii. 2.), to prohibit resistance to Nero; "who," says the preacher, "invaded honest men's estates to supply his own profusion, and embred his hands in the blood of any he had a pique against, without any regard to law or justice."

The homily, or exhortation to obedience, composed under Edward VI., in 1547, by Cranmer, and sanctioned by authority of the Church, asserts it to be "the calling of God's people to render obedience to governors, although they be wicked or wrong-doers, and *in no case to resist*."

<sup>c</sup> Oxford Decree, art. 3. Also art. 4. & 9. Collier, *Ecc. Hist.* ii. 902.

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Under the influence of these natural delusions, we find him filled with astonishment at the prevalence of the ordinary motives of human conduct over an extravagant dogma, and beyond measure amazed that the Church should oppose the Crown after the King had become the enemy of the Church. "Is this your Church of England loyalty?" he cried to the fellows of Magdalen College. In his confidential conversations he now spoke with the utmost indignation of this inconsistent and mutinous Church. Against them, he told the nuncio, that he had by his declaration struck a blow which would resound through the country.<sup>a</sup> He ascribed their unexpected resistance to a consciousness that, in a general liberty of conscience, "the Anglican religion would be the first to decline."<sup>b</sup> Sunderland, in speaking of the Church to the same minister, exclaimed, "Where is now their boasted fidelity?"<sup>c</sup> "The declaration," he added, "has mortified those who have resisted the King's pious and benevolent designs: the Anglicans are a ridiculous sect, who affect a sort of moderation in heresy, by a compost and jumble of all other persuasions; and who, notwithstanding the attachment which they boast of having maintained to the monarchy and the royal family, have proved on this occasion the most insolent and contumacious of men."<sup>d</sup>

After the refusal to comply with his designs, on the ground of conscience, by Admiral Herbert, a man of loose life, loaded with the favours of the Crown, and supposed to be as sensible of the obligations of honour as he was negligent of those of religion and morality, James declared to Barillon, that he never could put confidence in any man, however attached to him, who affected the character of a zealous Protestant.<sup>e</sup>

<sup>a</sup> D'Adda, 21 Marzo, 1687; "un colpo strepitoso."

<sup>b</sup> Ibid. "Perche la religione Anglicana sarebbe stata la prima a declinare in questa mutazione."

<sup>c</sup> Id. 18th April, 1687.

<sup>d</sup> Barillon, 24ème Mars, 1687.

<sup>e</sup> Ibid. and 4th April, 1687.

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 BAXTER.—BUNYAN.—PRESBYTERIANS.—INDEPENDENTS.—BAPTISTS.—QUAKERS.—  
 ADDRESSES OF THANKS FOR THE DECLARATION.

THE declaration of indulgence, however, had one important purpose beyond the assertion of prerogative; the advancement of the Catholic religion, or the gratification of anger against the unexpected resistance of the Church. It was intended to divide Protestants, and to obtain the support of the Nonconformists. The same policy had, indeed, failed in the preceding reign; but it was not unreasonably hoped by the Court, that the sufferings of twenty years had irreconcilably inflamed the dissenting sects against the Establishment, and at length taught them to prefer their own personal and religious liberty to vague and speculative opposition to the papacy, the only bond of union between the discordant communities who were called Protestants. It was natural enough to suppose, that they would show no warm interest in universities from which they were excluded, or for prelates who had excited persecution against them; and that they would thankfully accept the blessings of safety and repose, without anxiously examining whether the grant of these advantages was consistent with the principles of a constitution which treated them as unworthy of all trust or employment. The penal law from which the declaration tendered relief, was not such as to dispose them to be very jealous of the mode of its removal. An act in the latter years of Queen Elizabeth<sup>a</sup> had made refusal to attend the established worship, or presence at that of the Dissenters, punishable by imprisonment, and, unless atoned for by conformity within

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<sup>a</sup> 35 Eliz. c. 1. (1593).

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three months, by perpetual banishment<sup>a</sup>, enforced by death if the offender should return. Within three years after the solemn promise of liberty of conscience from Breda, this barbarous law, which had been supposed to be dormant, was declared by parliament to be in force<sup>b</sup>, in an act which subjected every one attending any worship but that established, where more than five were present, on the third offence, to transportation for seven years to any of the colonies, except New England and Virginia, the only plantations where they might be consoled by their fellow religionists, and where labour in the fields was not fatal to an European; and in case of their return, an event not very probable, after having laboured for seven years as the slaves of their enemies under the sun of Barbadoes, they were doomed to death. Almost every officer, civil or military, was empowered and encouraged to disperse their congregations as unlawful assemblies, and to arrest their ringleaders. A conviction before two magistrates, and in some cases before one, without any right of appeal or publicity of proceeding, was sufficient to expose a helpless or obnoxious Non-conformist to these tremendous consequences. By a refinement in persecution, the gaoler was instigated to disturb the devotions of his prisoners; being subject to a fine if he allowed any one who was at large to join them<sup>c</sup> in their religious worship. The pretext for this statute consisted in some riots and tumults in Ireland and in Yorkshire, which were evidently viewed by the ministers themselves with more scorn than fear.<sup>d</sup> It was, however, only temporary; a permanent law, equally tyrannical, was passed in the next session.<sup>e</sup> Every dissenting clergyman was forbidden from coming within five miles of his former congregation, or of any corporate town or parliamentary borough, under a penalty of forty pounds, unless he should take the following oath:—"I swear

<sup>a</sup> A sort of exile, called, in our old law, abjuring the realm, in which the offender was to banish himself.

<sup>b</sup> 16 Car. II. c. 4. (1664).

<sup>c</sup> S. 12.

<sup>d</sup> Original correspondence in Ralph, ii. 97., &c. "As these plots," says that writer, "were contemptible or formidable, we must acquit or condemn this reign."

<sup>e</sup> 17 Car. II. c. 2. (1665).

that it is not lawful, upon any pretence whatsoever, to take up arms against the King, or those commissioned by him, and that I will not at any time endeavour any alteration of government in Church or State." In vain did Lord Southampton raise his dying voice against this tyrannical act, though it was almost the last exercise of the ministerial power of his friend and colleague Clarendon; "vehemently" condemning the oath, which, royalist as he was, he declared he could not take, and he believed no honest man could.\* A faint and transient gleam of indulgence followed the downfall of Clarendon: but, in the year 1670, another act was passed, reviving that of 1664, with some mitigations of punishment, and amendments in the form of proceeding<sup>b</sup>; but with several provisions of a most unusual nature, which, by their manifest tendency to stimulate the bigotry of magistrates, rendered it a sharper instrument of persecution. Of this nature was the declaration, that the statute was to be construed most favourably for the suppression of conventicles, and for the encouragement of those engaged in it, of which the malignity must be measured by its effect in exciting all public officers, and especially the lowest, to constant vexation and frequent cruelty towards the poorer Nonconformists, who were marked by such language as the objects of the fear and hatred of the legislature. After the defeat of Charles's attempt to relieve all Dissenters by his usurped prerogative, the alarms of the House of Commons began to be confined to the Catholics, and they relented towards their Protestant brethren, and conceived designs of union with the more moderate, as well as of indulgence towards those whose dissent was irreconcilable. But these designs proved abortive. The Court resumed its animosity to the Dissenters, when it became no longer possible to employ them as a shelter for the Catholics: the laws were already sufficient for all practicable purposes of intolerance, and the execution of them was in the hands of bitter enemies, from the Lord Chief Justice to the pettiest constable. The temper of

\* Locke. Letter from a Person of Quality.

<sup>b</sup> 22 Car. II. c. 1. (1670).

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1687. them<sup>a</sup> gravely reprov'd the victims of such laws for complaining  
of persecution. The inferior gentry, who constituted the magistracy, ignorant, intemperate, and tyrannical, treated dissent as rebellion, and in their conduct to Puritans were actuated by no principles but a furious hatred of those whom they thought the enemies of the monarchy. The whole jurisdiction, in cases of nonconformity, was so vested in that body, as to release them in its exercise from the greater part of the restraints of fear and shame. With the sanction of the legislature, and the countenance of the government, what indeed could they fear from a proscribed party, consisting chiefly of the humblest and poorest men? From shame they were effectually secured, since that which is not public cannot be made shameful. The particulars of the conviction of a Dissenter might be unknown beyond his village; the evidence against him, if any, might be confined to the room where he was convicted; and in that age of slow communication, few men would incur the trouble or obloquy of conveying to their correspondents the hardships inflicted with the apparent sanction of law, in remote and ignorant districts, on men at once obscure and odious, often provoked by their sufferings into intemperance and extravagance. It must also be observed, that imprisonment is, of all punishments, the most quiet and convenient mode of persecution. The prisoner is silently hid from the public eye; his sufferings, being unseen, speedily cease to excite pity or indignation: he is soon doomed to oblivion. As imprisonment is always the safest punishment for an oppressor to inflict, so it was in that age, in England, perhaps the most cruel. Some estimate of the sad state of a man, in suffering the extremity of cold, hunger, or nakedness, in one of the dark and noisome dungeons, then called prisons, may be formed by the remains of such buildings, which industrious benevolence has not yet every where demolished. Being subject to no regulation, and without means of regular sus-

<sup>a</sup> Stillingfleet. Mischief of Separation.

tenance for prisoners, they were at once the scene of debauchery and famine. The Puritans, the most severely moral men of any age, were crowded in cells with those profligate and ferocious criminals with whom the kingdom then abounded. We learn from the testimony of the legislature itself, that "needy persons committed to goal many times perished before their trial."<sup>a</sup> We are told by Thomas Ellwood, the Quaker, a friend of Milton, that when a prisoner in Newgate for his religion, he saw the heads and quarters of men executed for treason kept for some time close to the cells, and the heads tossed about in sport by the hangman and the more hardened malefactors.<sup>b</sup> The description given by George Fox, the founder of the Quakers, of his own treatment when a prisoner at Launceston, too clearly exhibits the unbounded power of gaolers, and its most cruel exercise.<sup>c</sup> It was no wonder that, when prisoners were brought to trial at the assizes, the contagion of gaol fever should often rush forth with them from these abodes of all that was loathsome and hideous, and sweep away judges, and jurors, and advocates, with its pestilential blast. The mortality of such prisons must have surpassed the imaginations of more civilised times; and death, if it could be separated from the long sufferings which led to it, might perhaps be considered as the most merciful part of the prison discipline of that age. It would be exceedingly hard to estimate its amount, even if the difficulty were not enhanced by the prejudices which led either to extenuation or aggravation. Prisoners were then so forgotten, that tables of their mortality were not to be expected; and the very nature of that atrocious wickedness which employs imprisonment as the instrument of murder, would, in many cases, render

<sup>a</sup> 18 & 19 Car. II. c. 9. Evidence more conclusive, from its being undesignedly dropped, of the frequency of such horrible occurrences in the gaol of Newgate, transpires in a controversy between a Catholic and Protestant clergyman, about the religious sentiments of a dying criminal, and is preserved in a curious pamphlet, called "The Pharisee Unmasked." 1687.

<sup>b</sup> Ellwood's Life. "This prison, where are so many, suffocateth the spirits of aged ministers." Life of Baxter, part iii. 200.

<sup>c</sup> George Fox. Journal, 186., where the description of the dungeon called "*Doomsdale*" surpasses all imagination.

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it impossible distinctly and palpably to show the process by which cold and hunger beget long distempers, only to be closed by mortal disease. The computations have been attempted, as was natural, chiefly by the sufferers. William Penn, a man of such virtue as to make his testimony weighty, even when borne to the sufferings of his party, publicly affirmed at the time, that since the Restoration "more than five thousand persons had died in bonds for matters of mere conscience to God."<sup>a</sup> Twelve hundred Quakers were enlarged by James.<sup>b</sup> The calculations of Neale, the historian of the Nonconformists, would carry the numbers still farther; and he does not appear, on this point, to be contradicted by his zealous and unwearied antagonist.<sup>c</sup> But if we reduce the number of deaths to one half of Penn's estimate, and suppose that number to be the tenth of the prisoners, the mortality will afford a dreadful measure of the sufferings of twenty-five thousand prisoners; and the misery within the gaols will too plainly indicate the beggary<sup>d</sup> and banishment, disquiet, vexation, fear, and horror, which were spread among the whole body of Dissenters.

Baxter.

The sufferings of two memorable Dissenters, differing from each other still more widely in opinions and disposition than in station and acquirement, may be selected as proofs that no character was so high as to be beyond the reach of this persecution, and no condition so humble as to be beneath its notice. Richard Baxter, one of the most acute and learned as well as pious and exemplary men of his age, was the most celebrated divine of the Presbyterian persuasion. He was so well known for his moderation as well as his general merit, that at the Restoration he was made chaplain to the King, and a bishopric was offered to him, which he declined, not because he deemed it

<sup>a</sup> "Good Advice to the Church of England."

<sup>b</sup> Address of the Quakers to James II. Clarkson, i. 492. London Gazette, 23d and 26th May, 1687.

<sup>c</sup> Grey's Examination of Neale. 3 vols. 8vo. 1738.

<sup>d</sup> Fifteen thousand families ruined. "Penn's Good Advice." In this tract, very little is said of the dispensing power; the far greater part consisting of a noble defence of religious liberty, applicable to all ages and communions.



unlawful\*, but because it might engage him in severities against the conscientious, and because he was unwilling to give scandal to his brethren by accepting preferment in the hour of their affliction. He joined in the public worship of the Church of England, but preached to a small congregation at Acton, where he soon became the friend of his neighbour, Sir Matthew Hale, who, though then a magistrate of great dignity, avoided the society of those who might be supposed to influence him, and from his jealous regard to independence, chose a privacy as simple and frugal as that of the pastor of a persecuted flock. Their retired leisure was often employed in high reasoning on those sublime subjects of metaphysical philosophy to which both had been conducted by their theological studies, and which, indeed, few contemplative men of elevated thought have been deterred by the fate of their forerunners from aspiring to comprehend. Honoured as he was by such a friendship, esteemed by the most distinguished persons of all persuasions, and consulted by the civil and ecclesiastical authorities in every project of reconciliation and harmony, Baxter was five times in fifteen years dragged from his retirement, and thrown into prison as a malefactor. In 1669 two subservient magistrates, one of whom was steward of the Archbishop of Canterbury, summoned him before them for preaching at a conventicle: Hale, too surely foreknowing the event, could scarcely refrain from tears when he heard of the summons. He was committed for six months; and, after the unavailing intercession of his friends with the King, was at length enlarged in consequence of informalities in the commitment.<sup>b</sup> Twice he afterwards escaped by irregularities into which the precipitate zeal of ignorant persecutors had betrayed them. Once, when his physician made oath that imprisonment would be dangerous to his life, he owed his enlargement to the pity or prudence of Charles II. At last, in the year 1685, he was brought to trial for supposed libels, before Jeffreys, in the Court of King's

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\* Baxter's Life, 281, 282.

<sup>b</sup> Baxter's Life. Calamy's Abridgment, part iii. 47—51, &c.

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Bench, where his venerable friend had once presided, where two chief justices, within ten years, had exemplified the extremities of human excellence and depravity, and where he whose misfortunes had almost drawn tears down the aged cheeks of Hale was doomed to undergo the most brutal indignities from Jeffreys.

Bunyan.

The history and genius of Bunyan were as much more extraordinary than those of Baxter as his station and attainments were inferior. He is probably at the head of unlettered men of genius, and perhaps there is no other instance of any man reaching fame from so abject an origin; for the other extraordinary men who have become famous without education, though they were without what is called learning, have had much reading and knowledge, and though they were repressed by poverty, were not, like him, sullied by a vagrant and disreputable occupation. By his trade of a travelling tinker, he was from his earliest years placed in the midst of profligacy, and on the verge of dishonesty. He was for a time a private in the parliamentary army; the only military service which was likely to elevate his sentiments and amend his life. Having embraced the opinions of the Baptists, he was soon admitted to preach in a community which did not recognise the distinction between the clergy and the laity.<sup>a</sup> Even under the Protectorate he was harassed by some busy magistrates, who took advantage of a parliamentary ordinance, excluding from toleration those who maintained the unlawfulness of infant baptism.<sup>b</sup> But this officiousness was checked by the spirit of the government; and it was not till the return of intolerance with Charles II. that the sufferings of Bunyan began. Within five months after the restoration, he was apprehended under the statute of the thirty-

<sup>a</sup> "Grace abounding," by Bunyan himself. Ivimey's *Life of Bunyan*. Iv. Hist. of Baptists.

<sup>b</sup> Scobell's Ordinances, chap. 114. 22d April, 1648. This exception is omitted in a subsequent ordinance against blasphemous opinions, (9th August, 1650,) directed chiefly against the Antinomians, who were charged with denying the obligation of morality, the single case where the danger of nice distinction is the chief objection to the use of punishment against the promulgation of opinions. Religious liberty was afterwards carried much nearer to its just limits by the letter of Cromwell's constitution, and probably to its full extent by its spirit. *Humble Petition and Advice*, s. xi. 1656. Scob. 380.

fifth of Elizabeth, and was thrown into prison, or rather into a dungeon, at Bedford, where he remained for twelve years. The narratives of his life exhibit remarkable specimens of the acuteness and fortitude with which he withstood the threats and snares of the magistrates, and clergymen, and attorneys, who beset him. He foiled them in every contest of argument; especially in that which relates to the independence of religion on civil authority, which he expounded with clearness and exactness, for it was a subject on which his naturally vigorous mind was better educated by his habitual meditations than it could have been by the most skilful instructor. In the year after his apprehension, he made some informal applications for release to the judges of assize, to whom his petition was presented by his wife, who was treated by one of them, Twisden, with brutal insolence. His colleague, Sir Matthew Hale, listened to her with patience and goodness; and with consolatory compassion pointed out to her the only legal means of obtaining redress. It is a singular gratification thus to find a human character, which if it be met in the most obscure recess of the history of a bad time, is sure to display some new excellence. The conduct of Hale on this occasion can be ascribed only to strong and pure benevolence; for he was unconscious of Bunyan's genius, he disliked preaching mechanics, and he partook the general prejudice against Anabaptists. In the long years which followed, the time of Bunyan was divided between the manufacture of lace, which he learned in order to support his family, and the composition of those works which have given celebrity to his sufferings. He was at length released, in 1672, by Barlow, Bishop of Lincoln; but not till the timid prelate had received an injunction from the Lord Chancellor<sup>a</sup> to that effect. He availed himself of the indulgence of James II. without trusting it; and died unmolested in the last year of that prince's govern-

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<sup>a</sup> Probably Lord Shaftesbury, who received the Great Seal in November, 1672. The exact date of Bunyan's complete liberation is not ascertained; but he was twelve years a prisoner, and had been apprehended in November, 1660. Ivimey, 289., makes his enlargement to be about the close of 1672.

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ment. His "Pilgrim's Progress," an allegorical representation of the Calvinistic theology, at first found readers only among those of that persuasion, gradually emerged from this narrow circle, and by the natural power of imagination over the uncorrupted feelings of the majority of mankind at length rivalled Robinson Crusoe in popularity. The bigots and persecutors sunk into oblivion; the scoffs of wits<sup>a</sup> and worldlings were unavailing; while, after the lapse of a century, the object of their cruelty and scorn touched the poetical sympathy as well as the piety of Cowper<sup>b</sup>: his genius subdued the opposite prejudices of Johnson and of Franklin, and his name has been uttered in the same breath with those of Spenser and Dante.

It should seem, from this statement, that Lord Castlemain, a zealous Catholic, had some colour for asserting, that the persecution of Protestants by Protestants, after the Restoration, was more violent than that of Protestants by Catholics under Mary; and that the persecution then raging against the Presbyterians in Scotland was not so much more cruel as it was more bloody than that which silently consumed the bowels of England. Since the differences between Churchmen and Dissenters, as such have given way to other controversies, such a recital can have no other tendency than that of disposing men to pardon each other's intolerance, and to abhor that fatal error itself, which all communions have practised, and of which some malignant roots still lurk among all. Without it, the policy of the King, in his attempt to form an alliance with the Dissenters, could not be understood, and must have been altogether hopeless. The general body of Nonconformists were divided into four parties, on whom the court acted through different channels, and who were variously affected by its advances. The Presbyterians, the more wealthy and educated portion, were the descendants of the ancient Puritans, who were rather desirous of reforming the Church of England

Presbyterians.

<sup>a</sup> Hudibras, part i. canto ii. v. 409, &c. A satire on preaching mechanics, illustrated by Grey's notes.

<sup>b</sup> "O thou, who, borne on Fancy's eager wing," &c.

than of separating from it; and though the breach was widened by the civil war, they might have been reunited at the Restoration by moderate concession in the form of worship, and by limiting the episcopal authority agreeably to the project of the learned Usher, and to the system of superintendency established among the Lutherans. They gradually, indeed, learned to prefer the perfect equality of the Calvinistic clergy; but they did not profess that exclusive zeal for it which actuated their Scottish brethren, who had received their reformation from Geneva. Like men of other communions, they originally deemed it the duty of the magistrate to establish true religion, and to punish the crime of rejecting it. In Scotland they continued to be sternly intolerant; in England they reluctantly acquiesced in imperfect toleration. Their object was then what was called a comprehension, or such an enlargement of the terms of communion as might enable them to unite with the Church; a measure which would have broken the strength of the Dissenters, to the eminent hazard of civil liberty. From them the King had the least hopes. They were undoubtedly much more hostile to the Establishment after twenty-five years' persecution. But they were still connected with the tolerant clergy; and as they continued to aim at something besides mere toleration, they considered the royal declaration, even if honestly meant, as only a temporary advantage.

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The *Independents*, or Congregationalists, were so called from their adoption of the opinion, that every congregation or assembly for worship was a church perfectly independent of all others, choosing and changing their own ministers, maintaining with other congregations an amicable and fraternal intercourse, but acknowledging no authority in all the other churches of Christendom to interfere with the internal concerns of a single congregation. Their churches were merely voluntary associations, in which the office of teacher might be conferred by the suffrages of the members on any man, and withdrawn from him when he ceased to be acceptable. The members were equal, and the government was

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perfectly democratical; if the term government may be applied to assemblies which endured only as long as the members agreed in judgment, and which, leaving all coercive power to the civil magistrate, exercised no authority but that of admonition, censure, and exclusion. They disclaimed the qualifications of "national" as repugnant to the nature of "a church."<sup>a</sup> The religion of the Independents could not, without destroying its nature, be established by law. They never could aspire to more than religious liberty, and they accordingly have the honour to be the first, and long the only, Christian community who collectively adopted that sacred principle.<sup>b</sup> It is true, that in the beginning they adopted the pernicious and inconsistent doctrine of limited toleration, excluding Catholics as idolaters; and in New England, where the great majority were of their persuasion, punishing even capitally dissenters from opinions which they accounted fundamental.<sup>c</sup> But, as intolerance could promote no interest of theirs, real or imaginary, their true principles finally worked out the stain of these dishonourable exceptions. The government of Cromwell, more influenced by them than by any other persuasion, made as near approaches to general toleration as public prejudice would endure; and Sir Henry Vane, an Independent, was probably the first who laid down, with perfect precision, the inviolable rights of conscience, and the exemption of religion from all civil authority. Actuated by these principles, and preferring the freedom of their worship even to political liberty, it is not wonderful that many of

<sup>a</sup> "There is no true visible church of Christ but a particular ordinary congregation only. Every ordinary assembly of the faithful hath power to elect and ordain, deprive and depose, their ministers. The pastor must have others joined with him by the congregation, to exercise ecclesiastical jurisdiction, neither ought he and they to perform any material act without the free consent of the congregation." *Christian Offer of a Conference tendered to Archbishops, Bishops, &c.* London, 1606.

<sup>b</sup> *An humble Supplication for Toleration and Liberty to James I.* London, 1609: a tract which affords a conspicuous specimen of the ability and learning of the ancient Independents, often described as unlettered fanatics.

<sup>c</sup> *The Way of the Churches in New England*, by Mr. J. Cotton. London, 1645; and *the Way of Congregational Churches*, by Mr. J. Cotton. London, 1648; in answer to Principal Baillie

this persuasion gratefully accepted the deliverance from persecution which was proffered by the King.

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Baptists.

Similar causes produced the like dispositions among the Baptists; a simple and pious body of men, generally unlettered, obnoxious to all other sects for their rejection of infant baptism, as neither enjoined by the New Testament nor consonant to reason; and in some degree, also, from being called by the same name with the fierce fanatics who had convulsed Lower Germany in the first age of the Reformation. Under Edward VI. and Elizabeth they suffered death for their religion. At the Restoration they were distinguished from other Nonconformists by a brand in the provision of a statute<sup>a</sup>, which excluded every clergyman who had opposed infant baptism from re-establishment in his benefice.

They suffered more than any other persuasion under Charles II. They had publicly professed the principles of religious liberty.<sup>b</sup> They appear to have adopted also the congregational system of ecclesiastical polity. Like the Independents they had espoused the cause of republicanism. They were more incapable of union with the established church, and had less reason to hope for toleration from its adherents than the Independents themselves. Many, perhaps at first most of them, eagerly embraced the indulgence. Thus, the sects who maintained the purest principles of religious liberty, and had supported the most popular systems of government, were more disposed than others to favour a measure which would have finally buried toleration under the ruins of political freedom.

But of all Dissenters, those who needed the royal indulgence most, and who could accept it most consistently with their religious principles, were the Quakers. They sought perfection, by renouncing pleasures, of which the social nature promotes kindness, and by converting self-denial, a means of moral discipline, into one of the ends of life. It was their more peculiar and honourable error, that by a literal interpretation of that affec-

Quakers.

<sup>a</sup> 12 Car. II. c. 17.

<sup>b</sup> Crosby, Hist. of Baptists, ii. 100—144.

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tionate and ardent language in which the Christian religion inculcates the pursuit of peace and the practice of beneficence, they struggled to extend the sphere of these most admirable of virtues beyond the boundaries of nature. They adopted a peculiarity of language, and an uniformity of dress, indicative of humility and equality, of brotherly love, the sole bond of their pacific union, and of the serious minds of men who lived only for the performance of duty. They took no part in strife, renounced even defensive arms, and utterly condemned the punishment of death.

George Fox, during the civil war, was the founder of this extraordinary community. At a time when personal revelation was generally believed, it was a pardonable self-delusion that he should imagine himself to be commissioned by the Divinity to preach a system which could only be objected to as too pure to be practised by man.<sup>a</sup> This belief, and an ardent temperament, led him and some of his followers into unseasonable attempts to convert their neighbours, and unseemly intrusions into places of worship for that purpose, which excited general hostility against them, and exposed them to frequent and severe punishments. One or two of them, in the general fermentation of men's minds, had at that time uttered opinions which all other sects considered as blasphemous. These peaceable men became the objects of general abhorrence. Their rejection of the most religious rites, their refusal to sanction testimony by a judicial oath, or to defend their country in the utmost danger, gave plausible pretexts for representing them as alike enemies to religion and the commonwealth; and the fantastic peculiarities of their language and dress seemed to be the badge of a sullen and morose secession from human society. Proscribed as they were by law and prejudice, they gladly received the boon held out by the King. They indeed were the only consistent professors of passive obedience: as they resisted no wrong,

<sup>a</sup> A Journal of the Life of George Fox, by himself. 4to. London, 1694. One of the most extraordinary and instructive narratives in the world, which no reader of competent judgment can peruse without revering the virtue of the writer, pardoning his self-delusion, and ceasing to smile at his peculiarities.



and never sought to disarm hostility otherwise than by benevolence, they naturally yielded with unresisting submission to the injustice of tyrants. Another circumstance also contributed, still more perhaps than these general causes, to throw the Quakers into the hands of James. Although they, like most other religious sects, had arisen in the humble classes of society, who, from their numbers and simplicity, are alone susceptible of those sudden and simultaneous emotions which change opinions and institutions, they had early been joined by a few persons of superior rank and education, who, in a period of mutation in government and religion, long contemplated the benevolent visions of the Quakers with indulgent complacency, until at length they persuaded themselves that this pure system of peace and charity might be realised, if not among all men, at least by a few of the wisest and best. Such a hope would gradually teach them to tolerate, and in time to adopt, the peculiarities of their simpler brethren, and to give the most rational interpretation to the language and pretensions of their founders, consulting reason in their doctrines, and indulging enthusiasm only in their hopes and affections.\* Of these first who systematised, and perhaps insensibly softened, the Quaker creed, was Barclay, a gentleman of Scotland, in his *Apology for the Quakers*; a masterpiece of ingenious reasoning, and a model of argumentative composition, which extorted praise from Bayle, one of the most acute and least fanatical of men.<sup>b</sup> The most distinguished of their converts was William Penn, whose father, Admiral Sir William Penn, had been a personal friend of the King, and one of his instructors in naval affairs. This admirable person had employed his great abilities in support of civil as well as religious liberty, and had both acted and suffered for them under Charles II. Even if he had not founded the commonwealth of Pennsylvania as an everlasting memorial of his love of freedom, his actions and writings in England would have been enough

\* Mr. Swinton, a Scotch judge during the Protectorate, was one of the earliest of these converts.

<sup>b</sup> *Nouvelles de la République des Lettres*, Avril, 1684.

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to absolve him from the charge of intending to betray the rights of his countrymen. But though the friend of Algernon Sidney<sup>a</sup>, he had never ceased to intercede, through his friends at court, for the persecuted. An absence of two years in America, and the occupation of his mind, had probably loosened the connection with English politicians, and rendered him less acquainted with the principles of the government. On the accession of James he was received by that prince with favour, and hopes of indulgence to his suffering brethren were early held out to him. He was soon admitted to terms of apparent intimacy, and was believed to possess such influence that two hundred suppliants were often seen at his gates, imploring his intercession with the King. That it really was great, appears from his obtaining a promise of pardon for his friend Mr. Locke, which that illustrious man declined, because he thought that the acceptance would have been a confession of criminality.<sup>b</sup> He appears in 1679, by his influence on James when in Scotland, to have obtained the release of all the Scotch Quakers who were imprisoned<sup>c</sup>; and he obtained the release of many hundred Quaker prisoners in England<sup>d</sup>, as well as letters from Lord Sunderland to the lord-lieutenants in England for favour to his persuasion<sup>e</sup>, several months before the declaration of indulgence. It was no wonder that he should be gained over by this power of doing good. The very occupations in which he was engaged brought daily before his mind the general evils of intolerance, and the sufferings of his own unfortunate brethren. Though well stored with useful and ornamental knowledge, he was unpractised in the wiles of courts; and his education had not trained him to dread the violation of principle so much as to pity the infliction of suffering. It cannot be doubted that he believed the King's

<sup>a</sup> Clarkson's Life of Penn, i. 248.

<sup>b</sup> Clarkson, i. 433. 438. Mr. Clarkson is among the few writers from whom I should venture to adopt a fact for which the original authority is not mentioned. By his own extraordinary services to mankind he has deserved to be the biographer of William Penn.

<sup>c</sup> Address of Scotch Quakers, 1687.

<sup>d</sup> George Fox's Journal, 550. 10th July, 1686. "Fifteen or sixteen hundred."

<sup>e</sup> State Paper Office, November and December, 1686.

object to be universal liberty in religion, and nothing further. His own sincere piety taught him to consider religious liberty as unspeakably the highest of human privileges, and he was too just not to be desirous of bestowing on all other men that which he most earnestly sought for himself. He who refused to employ force in the most just defence, felt a singular abhorrence of its exertion to prevent good men from following the dictates of their conscience.

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Such seem to have been the motives which induced this excellent man to lend himself to the measures of the King. Compassion, friendship, liberality, and toleration, led him to support a system of which the success would have undone his country, and afforded a remarkable proof that, in the complicated combinations of political morality, a virtue misplaced may produce as much immediate mischief as a vice. The Dutch minister represents "the arch-quaker" as travelling over the kingdom to gain proselytes to the dispensing power.<sup>a</sup> Duncombe, a banker in London, and (it must in justice, though in sorrow, be added) Penn, were the two Protestant counsellors of Lord Sunderland.<sup>b</sup> Henceforward, it became necessary for the friends of liberty to deal with him as an enemy, to be resisted when his associates were in power, and watched after they had lost it.

Among the Presbyterians, the King's chief agent was Alsop, a preacher at Westminster, who was grateful to him for having spared the life of a son convicted of treason. Baxter, that venerable patriarch, and Howe, one of their most eminent divines, refused any active concurrence in the King's projects. Lobb, one of the most able of the independent divines, warmly supported the measures of James: he was favourably received at court, and is said to have been an adviser as well as an advocate of the King.<sup>c</sup> An elaborate defence of the dispensing power, by Philip Nye, a still more eminent teacher of the same persuasion, who had been

<sup>a</sup> Van Citters to the States General,  $\frac{4}{14}$  October, 1687.    <sup>b</sup> Johnstone, 25th November, 1687.

<sup>c</sup> Wilson's Dissenting Churches, iii. 436.

CHAP. VI. disabled from office at the restoration, written on occasion of  
 1687. Charles the Second's declaration of indulgence in 1672, was now republished by his son, with a dedication to James.<sup>a</sup>

Among the Baptists, Kiffin, the pastor of their chief congregation, and at the same time an opulent merchant in London, who, with his pastoral office, had held civil and military stations under the parliament, withstood the prevalent disposition of his communion towards compliance. The few fragments of his life illustrate the character of the calamitous times in which he lived. Soon after the restoration, he obtained a pardon for twelve persons of his persuasion, who were condemned to death at the same assize at Aylesbury, under the atrocious statute of the 35th of Elizabeth, for refusing either to abjure the realm or to conform to the Church of England.<sup>b</sup>

Attempts were made to ensnare him into treason by anonymous letters, inviting him to take a share in plots which had no existence. He was harassed by false accusations, some of which made him personally known to Charles II. and to Clarendon. The King applied to him personally for the loan of forty thousand pounds, which he declined, offering the gift of ten thousand, which was accepted; on which he congratulated himself, as an expedient by which he had saved thirty thousand pounds. Two of his grandsons suffered death for being engaged in Monmouth's revolt. He had offered three thousand pounds to a courtier for their preservation; and Jeffreys, on the trial of one of them, declared, that had Kiffin, their grandfather, been also at the bar, he would have deserved death as much as his grandson. James, at an interview, endeavoured to persuade him to accept the office of alderman, under the protection of the dispensing and suspending power. He pleaded his inability from age (he was then seventy), and he could not speak of his grandsons but he burst into tears. The King understood this language, and answered with no small

<sup>a</sup> Wilson's Dissenting Churches, iii. 71. "The King's Authority vindicated," by the late P. Nye. London, 1687.

<sup>b</sup> Orme's Life of Kiffin, 120. Crosby's Hist. of the Baptists, ii. 181, &c.

grossness, "Balm shall be poured into that wound." But Kiffin CHAP. VI.  
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Every means were employed to excite the Nonconformists to thank the King for his indulgence. He himself assured D'Adda that it would be of the utmost service to trade and population, by recalling the numerous emigrants "who had been driven from their country by the persecution of the Anglicans."<sup>a</sup> His common conversation now turned on the cruelty of the Church of England, and their violent persecution of the Dissenters, which he declared that he would have closed sooner, had he not been restrained by those who promised favour to his own religion, if they were still suffered to vex the Dissenters.<sup>b</sup> This last declaration was contradicted by the parties whom he named; and their denial might be credited with less reserve, had not one of the principal leaders of the episcopal party in Scotland owned that his friends would have been contented if they could have been assured of retaining the power to persecute Presbyterians.<sup>c</sup> He even ordered an enquiry into the suits against Dissenters in ecclesiastical courts, and the compositions which they paid, in order to make a scandalous disclosure of the extortion and venality practised under cover of the penal laws.<sup>d</sup> He and Lord Sunderland assured the nuncio, that the established clergy traded in such compositions.<sup>e</sup> The most just principles of unbounded freedom in religion were now the received creed at St. James's. Even Sir Roger L'Estrange endeavoured to save his consistency, by declaring, that though he

\* D'Adda,  $\frac{1}{11}$  Aprile 1687:—"Mentre tanti che desertavano il paese per la persecuzione delli Anglicani se troverebbero stato di quiete e tranquillità per repatriare."

<sup>b</sup> Burnet, iii. 175. Oxford, 1823.

<sup>c</sup> "If it had not been for the fears of encouraging by such a liberty the fanatics, then almost entirely ruined, few would have refused to comply with all your Majesty's demands." Account of Affairs of Scotland, by the Earl of Balcarras, p. 8.

<sup>d</sup> Burnet, *ibid.*

\* D'Adda,  $\frac{8}{18}$  Aprile 1687:—"Che releva la maggior parte dalla suggestione de ministri Anglicani che facevano mercanzia sopra le leggi fatti contro le Nonconformisti."

CHAP. VI. had for twenty years resisted religious liberty as a right of the  
 1687. people, he acquiesced in it as a boon from the King.

On the other hand, exertions were made to warn the Dissenters of the snare which was laid for them. The Church began to make tardy efforts to conciliate them, especially the Presbyterians. The King was agitated by this canvass, and frequently trusted the nuncio<sup>a</sup> with his alternate hopes and fears about it.

Burnet, the historian, then at the Hague, published a letter of warning to the Dissenters, in which he owns and deplors "the Persecution," acknowledging "the temptation under which the Nonconformists are to receive every thing which gives them present ease with a little too much kindness;" and blames more severely the members of the Church who applauded the Declaration, but entreats the Nonconformists not to promote the designs of the common enemy.<sup>b</sup> The residence and connections of the writer bestowed on this publication the important character of an admonition from the Prince of Orange. He had been employed by some leaders of the Church to procure that Prince's interference with the Dissenters, to prevent their being misled by the King<sup>c</sup>; and Dykvelt, the Dutch minister, assured both the Church and the Dissenters of his Highness's resolution to promote union between them, and to maintain the common interest of Protestants.

Lord Halifax published, on the same occasion, a Letter to a Dissenter; the most perfect model, perhaps, of a political tract; which, although its whole argument, unbroken by diversion to general topics, is brought exclusively to bear with concentrated force upon the question, the parties, and the moment, cannot be read, after an interval of a century and a half, without admiration of its acuteness, address, terseness, and poignancy.<sup>d</sup>

The Nonconformists were acted upon by powerful inducements

<sup>a</sup> D'Adda, 2 Maio, 1687. Id. 4. Ap. 1687. "Si fanno *dall' altra parte* tutti gli sforzi per persuadere l' unione tra di esse (Protestants), la quale nondimeno pare incompatibile per le massime loro tanto opposte come sono quelli di Presbyteriani, il di cui numero è più forte e della gente più ricca."

<sup>b</sup> State Tracts from Restoration to Revolution, ii. 289. London, 2 vol. folio, 1689—1692.

<sup>c</sup> Burnet's Reflections on a Book called "Rights of a Convocation," 16.

<sup>d</sup> Halifax Misc. 233. London, 1704.

and dissuasives. The preservation of civil liberty, the interest of the Protestant religion, the secure enjoyment of freedom in their own worship, were irresistible reasons again compliance. Gratitude for present relief, remembrance of recent wrongs, and a strong sense of the obligation to prefer the exercise of religion to every other consideration, were very strong temptations to a different conduct. Many of them owed their lives to the King, and the lives of others were still in his hands. The remembrance of Jeffreys's campaign was so fresh as perhaps still rather to produce fear than the indignation and distrust which appear in a more advanced stage of recovery from the wounds inflicted by tyranny. The private relief granted to some of their ministers by the court on former occasions afforded a facility for exercising adverse influence through these persons, the more dangerous because it might be partly concealed from themselves under the disguise of gratitude. The result of the action of these conflicting motives seems to have been, that the far greater part of all denominations of the Dissenters availed themselves of the declaration so far as to resume their public worship<sup>\*</sup>; that the most distinguished of their clergy and the majority of the Presbyterians resisted the solicitations of the court to sanction the dispensing power by addresses of thanks for this exertion of it; that all the Quakers, the greater part of the Baptists, and perhaps also of the Independents, did not scruple to give this perilous token of their misguided gratitude, though many of them confined themselves to thanks for toleration, and solemn assurances that they would not abuse it. About a hundred and eighty of these addresses were presented in ten months, of which there are only seventy-seven exclusively and avowedly from Nonconformists. If to these be added a fair proportion of them at first secretly and at last openly corporators and grand jurors, and a larger share of those who addressed under very general descriptions, it seems

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Addresses  
of thanks for  
the declar-  
ation.

<sup>\*</sup> Bates's Life of Philip Henry, in Wordsworth's Ecclesiastical Biography, vi. 290. "*They rejoiced with trembling.*" Henry refused to give in a return of the money levied on him in his sufferings, having, as he said, "long since from his heart forgiven all the agents in that matter. Mr. Bunyan clearly saw through the designs of the court, though he accepted the indulgence with a holy fear." Ivikey's Life of Bunyan, 297.

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probable that they were almost equally divided between the Dissenting communions and the Established Church.\* We have a specimen of these mentioned by Evelyn in the address of the Churchmen and Dissenters of Coventry<sup>b</sup>, and of a small congregation in the Isle of Ely, called the "family of love." His complaint<sup>c</sup> that the declaration had thinned his own parish church of Deptford, and sent a great concourse of people to the Dissenters' meeting-house, throws light on the extent of the previous persecution, and the joyful eagerness of the Nonconformists to profit by their deliverance. The Dissenters were led astray not only by lights of the church, but by pretended guardians of the laws. Five bishops, Crew, bishop of Durham, with his chapter, Cartwright, bishop of Chester, with his chapter and clergy, Barlow, bishop of Lincoln, Wood, bishop of Lichfield, and Watson, bishop of St. David's, with the clergy of their dioceses, together with the dean and chapter of Ripon, addressed the King in terms which were indeed limited to his assurance of continued protection to the church, but at a time which rendered their addresses a sanction of the dispensing power. Croft, of Hereford, though not an addresser, was a zealous partisan of the measures of the court; the profligate Parker was unable to prevail on the chapter or clergy of Oxford to join him, and the accomplished Sprat was still a member of the ecclesiastical commission, in which character he held a high command in the adverse ranks; so that a third of the episcopal order refused to concur in the coalition which the church was about to form with public liberty. A bold attempt was made to obtain the appearance of a general concurrence of lawyers in approving

\* The addresses from bishops and their clergy were seven; those from corporations and grand juries seventy-five; those from inhabitants, &c., fourteen; two from Catholics, and two from the Middle and Inner Temple. If six addresses from Presbyterians and Quakers in Scotland, Ireland, and New England be deducted, as it seems that they ought to be, the proportion of dissenting addresses was certainly less than one half. Some of them, we know, were the produce of a sort of personal canvass, when the King made his progress in autumn, 1687, "to court the compliments of the people," and one of them, in which Philip Henry joined, "was not to offer lives and fortunes to him, but to thank him for the liberty, and promise to demean themselves quietly in the use of it." Wordsworth, vi. 292. Address of Dissenters of Nantwich, Wem, and Whitchurch. London Gazette, 29th August, 1687.

<sup>b</sup> Evelyn, Diary, 16th June, 1687.

<sup>c</sup> Ibid. 10th April, 1687.



the usurpations of the crown. From two of the four societies called Inns of Court, who have the exclusive privilege of admitting advocates to practise at the bar, the Middle and Inner Temple, addresses of approbation were published, which, from recent examination of the records of these bodies, do not appear to have been voted by either. The former, eminent above others by fulsome servility, is traditionally said to be the clandestine production of three of the benchers, of whom Chauncy, the historian of Hertfordshire, was one. That of the Inner Temple purports to be the act of certain students and the comptroller, an office of whose existence no traces have been discovered in the books of the inn. As Roger North had been treasurer of the Middle Temple three years before, and the crown lawyers were members of these societies, it is scarcely possible that the government should not have been apprised of the imposture which they countenanced by their official publication of these addresses.\*

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The necessity of recurring to such a fraud, and the silence of the other law societies, may be allowed to form some proof that the independence of the bar was not yet utterly extinguished. The subserviency of the bench was so abject as to tempt the government into an interference with private suits, which is one of the last and rarest errors of statesmen under absolute monarchies. An official letter is still extant from Lord Sunderland, as Secretary of State, to Sir Francis Watkins, a judge of assize, recommending to him to show all the favour to Lady Shaftesbury, in the despatch of her suit, to be tried at Salisbury, which the justice of her cause shall deserve."<sup>b</sup> So deeply degraded were the judges in the eyes of the ministers themselves.

\* London Gazette, June 9th, 1687.

<sup>b</sup> 24th February, 1687. State Paper Office.

## CHAP. VII.

D'ADDA PUBLICLY RECEIVED AS THE NUNCIO. — DISSOLUTION OF PARLIAMENT. — FINAL BREACH. — PREPARATIONS FOR A NEW PARLIAMENT. — NEW CHARTERS. — REMOVAL OF LORD LIEUTENANTS. — PATRONAGE OF THE CROWN. — MODERATE VIEWS OF SUNDERLAND. — HOUSE OF LORDS. — ROYAL PROGRESS. — PREGNANCY OF THE QUEEN. — LONDON HAS THE APPEARANCE OF A CATHOLIC CITY.

CHAP. VII. **T**HE war between the religious parties had not yet so far subsided as to allow the avowed intercourse of princes of the Protestant communions with the see of Rome. In the first violence of hostility, indeed, laws were passed in England forbidding, under pain of death, the indispensable correspondence of Catholics with the head of the church, and even the bare residence of Catholic priests within the realm.<sup>a</sup> These laws, which never could be palliated except as measures of retaliation in a warfare of extermination, had been often executed without necessity and with slight provocation. It was most desirable to prevent their execution and to procure their repeal. But the object of the King in his embassy to Rome was to select these odious enactments, as the most specious case, in which he might set an example of the ostentatious contempt with which he was resolved to trample on every law which stood in the way of his designs. A nearer and more signal instance than the embassy to Rome was required by his zeal or his political projects. D'Adda was accordingly obliged to undergo a public introduction to the King at Windsor as apostolic nuncio from the pope; and his reception, being an overt act of high treason, was conducted with more than ordinary state, and announced to the public like that of any other foreign minister.<sup>b</sup>

D'Adda publicly received as nuncio. 3d July.

<sup>a</sup> 13 Eliz. c. 2. 35 Eliz. c. 1.

<sup>b</sup> London Gazette, 4th to 7th July, 1687. MSS. D'Adda, 11 Giugl. 1687.

The Bishops of Durham and Chester were perhaps the most remarkable attendants at the ceremonial. The Duke of Somerset, the second peer of the kingdom, was chosen from the Lords of the Bedchamber as the introducer; and his attendance in that character had been notified to the nuncio by the Earl of Mulgrave, Lord Chamberlain. But, on the morning of the ceremony, the Duke besought his Majesty to excuse him from the performance of an act which might expose him to the most severe animadversion of the law.<sup>a</sup> The King answered, that he intended to confer an honour upon him, by appointing him to introduce the representative of so venerable a potentate, and that the royal power of dispensation had been solemnly determined to be a sufficient warrant for such acts. The King is said to have angrily asked, "Do you not know that I am above the law?"<sup>b</sup> to which the Duke is represented by the same authorities to have replied, "Your Majesty is so, but I am not;" an answer which was perfectly correct, if it be understood as above punishment by the law. The Duke of Grafton introduced the nuncio. It was observed, that while the ambassadors of the emperor, and of the crowns of France and Spain, were presented by earls, persons of superior dignity were appointed to do the same office to the papal minister; a singularity rather rendered alarming than acceptable by the example of the court of France, which was appealed to by the courtiers on this occasion. The same ceremonious introduction to the Queen Dowager immediately followed. The King was very desirous of the like presentation to the Princess Anne, to whom it was customary to present foreign ministers. But the nuncio declined a public audience of an heretical princess<sup>c</sup>; and though we learn that, a few days after, he was admitted by her to what is called "a public audience"<sup>d</sup>, yet, as it is neither published in the Gazette, nor adverted to in his own letter, it seems probable that she only received him openly as a Roman prelate, who was to be treated with the respect

<sup>a</sup> Van Citters to the States General, 15th July, 1687.

<sup>b</sup> Perhaps saying, or meaning to say, "in this respect."

<sup>c</sup> MSS. D'Adda, 16th Jul. 1687.

<sup>d</sup> Van Citters, 22d July, 1687.

CHAP. VII. 1687. due to his rank, with whom it was equally politic to avoid the appearance of clandestine intercourse and of formal recognition. The King said to the Duke of Somerset, "As you have not chosen to obey my commands in this case, I shall not trouble you with any other;" and immediately removed him from his place in the household, from his regiment of dragoons, and the lord lieutenancy of his county. He continued for some time to speak with indignation of this act of contumacy, and told the nuncio, that the Duke's nearest relations had thrown themselves at the feet of their sovereign, and assured him, that they detested the disobedience of their kinsman.<sup>a</sup> The importance of the transaction consisted in its being a decisive proof of how little estimation were the judicial decision in favour of the dispensing power in the eyes of the most loyal and opulent of the nobility.<sup>b</sup> The most petty incidents in the treatment of the nuncio were at this time jealously watched by the public. By the influence of the new members placed by James in the corporation, that minister was invited to a festival annually given by the city of London, at which the diplomatic body were then, as now, accustomed to be present. Fearful of insult, and jealous of his precedence, he consulted Lord Sunderland, and afterwards the King, on the prudence of accepting the invitation.<sup>c</sup> The King pressed him to go. His Majesty also signified to all the foreign ministers that their attendance at the festival would be agreeable to him. The Dutch<sup>d</sup> and Swedish ministers were absent. The nuncio was received unexpectedly well by the populace, and treated with becoming courtesy by the magistrates. But though the King honoured the festival with his presence, he could not prevail even on the aldermen of his own nomination to forbear from the thanksgiving, on the 5th of November, for deliverance from the Gunpowder Plot.<sup>e</sup> On

<sup>a</sup> D'Adda, 16th Luglio, 1687.

<sup>b</sup> Barillon, 21st July, 1687.

<sup>c</sup> D'Adda,  $\frac{28\text{th Oct.}}{7\text{th Nov.}}$  1687, and  $\frac{4}{14}$  Nov. 1687.

<sup>d</sup> According to the previous instructions of the States General, and the practice of their ministers at the congresses of Munster and Nimeguen. Van Citters.

<sup>e</sup> Narc. Luttrell, Nov. 1687.

the contrary, Sir John Shorter, the Presbyterian mayor, made haste to atone for the invitation, by publicly receiving the communion according to the rites of the Church of England<sup>a</sup>; a strong mark of distrust in the dispensing power, and of the determination of the Presbyterians to adhere to the common cause<sup>b</sup> of Protestants.

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Another occasion offered itself, then esteemed solemn, for the King, in his royal capacity, to declare publicly against the Established Church. The kings of England had, from very ancient times, pretended to a power of curing scrofula by touching those who were afflicted by that malady; and the Church had retained, after the Reformation, a service for the occasion, in which her ministers officiated. James, naturally enough, employed the mass book, and the aid of the Roman Catholic clergy, in the exercise of this pretended power of his crown, according to the precedents in the reign of Mary.<sup>c</sup> As we find no complaint from the established clergy of the perversion of this miraculous prerogative, we are compelled to suspect that they had no firm faith in the efficacy of a ceremony which they solemnly sanctioned by their prayers.<sup>d</sup>

On the day before the public reception of the nuncio, the dissolution of parliament announced a final breach between the Crown and the Church. All means had been tried to gain a majority in the House of Commons. Persuasion, influence, corruption, were inadequate: the example of dismissal failed to intimidate; the

Dissolution  
of Parlia-  
ment.

<sup>a</sup> Van Citters,  $\frac{14}{24}$  Nov. 1687.

<sup>b</sup> It may be excusable to mention, that Catherine Shorter, the daughter and heiress of this Presbyterian mayor, became, long after, the wife of Sir Robert Walpole.

<sup>c</sup> Van Citters,  $\frac{28\text{th May}}{7\text{th June}}$ , 1686.

<sup>d</sup> It is well known that Dr. Samuel Johnson was, when a child, touched for the scrofula by Queen Anne. The princes of the House of Brunswick relinquished the practice. Carte, the historian, was so blinded by his zeal for the House of Stuart as to assure the public that one Lovell, a native of Bristol, who had gone to Avignon to be touched by the son of James II. in 1716, was really cured by that prince. A small piece of gold was tied round the patient's neck, which explains the number of applications. The gold sometimes amounted to 3000*l.* a year. Louis XIV. touched 1600 patients on Easter Sunday, 1686. Barrington's *Observations on Ancient Statutes*, 108, 109. Lovell relapsed after Carte had seen him. General Biog. Dict. art. Carte.

CHAP. VII. 1687. hope of preferment to allure. Neither the command obtained by the crown over the corporations, nor the division among Protestants excited by the toleration, had sufficiently weakened the opposition to the measures of the court. It was useless to attempt the execution of projects to subdue the resistance of the peers by new creations, till the other House was either gained or removed. The unyielding temper manifested by an assembly formerly so submissive, seems, at first sight, unaccountable. It must, however, be borne in mind, that the elections had taken place under the influence of the Church party ; that the interest of the Church had defeated the ecclesiastical measures of the King in the two former sessions ; and that the immense influence of the clergy over general opinion, now seconded by the zealous exertions of the friends of liberty, was little weakened by the servile ambition of a few of their number, who, being within the reach of preferment, and intensely acted upon by its attraction, too eagerly sought their own advancement to regard the dishonour of deserting their body. England was then fast approaching to that state in which an opinion is so widely spread, and the feelings arising from it are so ardent, that dissent is accounted infamous, and considered by many as unsafe. It is happy when such opinions (however inevitably alloyed by base ingredients, and productive of partial injustice) are not founded in delusion, but, on the whole, beneficial to the community. The mere influence of shame, of fear, of imitation, of sympathy, is, at such moments, sufficient to give to many men the appearance of an integrity and courage little to be hoped from their ordinary conduct.

The King had, early in the summer, ascertained the impossibility of obtaining the consent of a majority in the House of Commons to a repeal of the Test and Penal Laws, and to have shown a disposition to try a new Parliament.<sup>a</sup> His more moderate counsellors<sup>b</sup>, however, headed, as it appears, by the Earl of Sunderland<sup>c</sup>, did not

<sup>a</sup> Van Citters, 13th June, 1687.

<sup>b</sup> Barillon,  $\frac{2}{12}$  June, 1687.

<sup>c</sup> D'Adda,  $\frac{28 \text{ Luglio,}}{7 \text{ Agosto,}}$  1687.  $\frac{12}{22}$  Ag. 1687.

fail to represent to him the mischiefs and dangers of that irrevocable measure. It was, they said, a perilous experiment to dissolve the union of the Crown with the Church, and to convert into enemies an order who had hitherto supported unlimited authority, and inculcated unbounded submission. The submission of the Parliament had no bounds except the rights or interests of the Church. The expense of an increasing army would speedily require parliamentary aid; the possible event of the death of the King of Spain without issue might involve all Europe in war.\* For these purposes, and for every other that concerned the honour of the Crown, this loyal Parliament were ready to grant the most liberal supplies. Even in ecclesiastical matters, though they would not at once yield all, they would in time grant much. When the King had quieted the alarm and irritation of the moment, they would, without difficulty, repeal all the laws commonly called penal. The King's dispensations, sanctioned by the decisions of the highest authority of the law, obviated the evil of the laws of disability; and it would be wiser for the Catholics to leave the rest to time and circumstances, than to provoke severe retaliation by the support of measures which the immense majority of the people dreaded as subversive of their religion and liberty. What hope of ample supply or steady support could the

\* The exact coincidence, in this respect, of Sunderland's public defence, nearly two years afterwards, with the nuncio's secret despatches of the moment, is worthy of consideration:—

"I hindered the dissolution several weeks, by telling the King that the parliament would do every thing he could desire but the taking off the tests; that another parliament would probably not repeal these laws; and, if they did, would do nothing else for the support of government. I said often, if the King of Spain died, his Majesty could not preserve the peace of Europe; that he might be sure of all the help and service he could wish from the present parliament, but if he dissolved it he must give up all thoughts of foreign affairs, for no other would ever assist him but on such terms as would ruin the monarchy." Lord Sunderland's Letter, licensed 23d March, 1689.

"Dall' altra parte si poteva promettere S. M. del medesimo parlamento ogni assistenze maggiore de denaro si S. M. fosse obligato di entrare in una guerra straniera, ponderando il caso possibile della morte del Re di Spagna senza successione, questi e simili vantaggi non doverse attendere d'un nuovo parlamento composto di nonconformisti, nutrendo per li principi e sentimenti totalmente contrarii alla monarchia.

"D'ADDA."

**CHAP. VII.** King entertain from a parliament of Nonconformists, the natural enemies of kingly power? What faith could the Catholics place in these sectaries, the most Protestant of Protestant communions, of whom the larger part looked on relief from persecution, when tendered by Catholic hands, with distrust and fear, and who believed that the friendship of the Church of Rome for them would last no longer than her inability to destroy them?

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**Final breach.** To this it was answered, that it was now too late to enquire whether a more wary policy might not have been at first more advisable; that the King could not stand where he was; that he would soon be compelled to assemble a parliament; and that, if he preserved the present, their first act would be to impeach the Judges, who had determined in favour of the dispensing power. To call them together, would be to abandon to their rage all the Catholics who had accepted office on the faith of the royal prerogative. If the Parliament were not to be assembled, they were at least useless; and their known disposition would, as long as they existed, keep up the spirit of audacious disaffection. If they were assembled, they would, even during the King's life, tear away the shield of the dispensing power, which, at all events, never would be stretched out to cover Catholics by the hand of the Protestant successor. All the power gained by the monarchy over corporations having been used in the last election by Protestant Tories, was now acting against the Crown. By extensive changes in the government of counties and corporations, a more favourable House of Commons, and if an entire abrogation should prove impracticable, a better compromise, might be obtained.

Sunderland informed the nuncio that the King closed these discussions by a declaration that, having ascertained the determination of the present Parliament not to concur in his holy designs, and having weighed all the advantages of preserving it, he considered them as far inferior to the great object, which was the advancement of the Catholic religion. Perhaps, indeed, this determination, thus apparently dictated by religious zeal, was conformable to the maxims of civil prudence, unless the King was pre-



pared to renounce his encroachments, and content himself with that measure of toleration for his religion which the most tolerant states then dealt out to their dissenting subjects.

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The next object was so to influence the elections as to obtain a more yielding majority in the House of Commons. At an early period Sunderland represented two hundred members of the late House "as necessarily dependent on the Crown<sup>a</sup>:" probably not so much a sanguine hope as a political exaggeration, which, if it was believed, might realise itself. He was soon either undeceived or contradicted. The King desired all the members bound to him, either by interest or attachment, to come singly to private audiences in his closet<sup>b</sup>, that he might ask their support to his measures; and the answers which he received were regarded by by-standers as equivalent to a general refusal.<sup>c</sup> This practice, then called "*closeting*," was, it must be owned, a very unskilful species of canvass, where the dignity of the King left little room for more than a single question and answer; where the other parties were necessarily forewarned of the subject of the interview, and which must have soon become so generally known as to expose the more yielding part of them to the admonitions of their more courageous friends. It was easy for an eager monarch, on an occasion which allowed so little explanation, to mistake evasion, delay, and mere courtesy, for an assent to his proposal. But the new influence, and, indeed, power, gained by the Crown over the next elections seemed to be so great as to afford the strongest motives for a new Parliament. For in the six years which followed the first judgments by which the charters of corporations were declared to be forfeited, two hundred and forty-two new charters of incorporation had passed the seals to replace those which had been thus judicially annulled or voluntarily resigned.<sup>d</sup>

Preparations  
for a new  
Parliament.



New char-  
ters.

<sup>a</sup> D'Adda, 10th Oct. 1686. "Contando sino a ducento voti necessariamente dependenti da S. M."—"Id. 7th Feb. 1687. Diceva (Sunderland) che nella camera bassa si faceva capitale di ducento voti securi e si travagliava ad aumentarli."

<sup>b</sup> D'Adda, 24 Gen. 1687.

<sup>c</sup> Van Citters, 24th Jan. 1687.

<sup>d</sup> Lords' Journals, 20th Dec. 1689. Report of Lords' committees on *quo warrantos*. Evidence of Roger North, from 1682 to 1688.

**CHAP. VII.** From this number, however, must be deducted those of the plantations on the continent and islands of America<sup>a</sup>; some new incorporations on grounds of general policy<sup>b</sup>, and several subordinate corporations in cities and towns, though these last materially affected parliamentary elections. The House of Commons consisted of five hundred and five members, of which two hundred and forty-four were returned on rights of election altogether or in part corporate. This required only a hundred and twenty-two new charters. But in many cases more than one charter had been issued after extorted surrenders, to rivet them more firmly in their dependency; and if any were spared, it can only have been because they were considered as sufficiently enslaved, and some show of discrimination was considered as politic. In six years, therefore, it is evident, that by a few determinations of servile judges, the Crown had acquired the direct, uncontrolled, and perpetual nomination of nearly one half the members of the House of Commons. When we recollect the independent and ungovernable spirit manifested by that assembly in the last fifteen years of Charles II., we may be disposed to conclude that there is no other instance in history of so great a revolution effected in so short a time by the mere exercise of judicial authority. These charters, originally contrived so as to vest the utmost power in the Crown, might, in any instance where experience showed them to be inadequate, be rendered still more effectual for their purpose, as a power of changing them was expressly reserved in each.<sup>c</sup> In order to facilitate the effective exercise of this power, commissioners were appointed to be regulators of corporations, with full power to remove and appoint freemen and corporate officers at their discretion. The Chancellor, the Lords Powis, Sunderland, Arundel, and Castlemain, with Sir Nicholas Butler and Father

<sup>a</sup> Chalmers's *Annals of the Colonies*. London, 1780.

<sup>b</sup> The College of Physicians, April, 1687, and the town of Bombay, January, 1688, both mentioned by Narc. Lutterell.

<sup>c</sup> Roger Coke. *Reign of James II.* p. 21. *Parliamentum Pacificum*, 29, 30. Lond. 1688. The latter pamphlet boasts of these provisions. The Protestant Tories, says the writer, cannot question a power by which many of themselves were brought into the House.

Petre, were the regulators of the first class, who superintended the whole operation.<sup>a</sup> Sir N. Butler and Duncombe, a banker, regulated the corporation of London, from which they removed nineteen hundred freemen, and yet Jeffreys incurred a reprimand, from his impatient master, for want of vigour in changing the corporate bodies, and humbly promised to repair his fault; for “every Englishman who becomes rich,” said Barillon, “is more disposed to favour the popular party than the designs of the King.”<sup>b</sup> The regulators were sent to every part of the country to make the necessary changes in corporations, and they were furnished with letters from the Secretary of State, recommending them to the aid of the lord lieutenants of all the counties in the kingdom.<sup>c</sup> Circular letters were sent at a time when the election was supposed to be near, recommending to the lord lieutenants, and other men of influence, to procure the election of more than a hundred persons mentioned by name to be members of the next House of Commons. Among them were eighteen members for counties, and many for those towns which, as their rights of election were not corporate, were not yet subjected to the Crown by legal judgments.<sup>d</sup> One was even addressed to the Chief Justice of the King’s Bench. In this list we find the unexpected name of John Somers, probably selected from a hope that his zeal for religious liberty might induce him to support a Government which professed so comprehensive a toleration. But it was quickly discovered that he was too wise to be ensnared, and the clerk of the Privy Council was six days after judiciously substituted in his stead.

It is due to James and his minister to remark, that these letters are conceived in that official form which appears to indicate established practice, and the writer betrays no consciousness that such letters were unwarrantable or unusual. Most of these practices

<sup>a</sup> Lords’ Journals, *ubi supra*.

<sup>b</sup> Barillon, 27th August, 1687.  
8th Sept.

<sup>c</sup> Circular Letter, 21st July, 1688. State Paper Office.

<sup>d</sup> Lord Sunderland’s Letters, Sept. 1688. State Paper Office.

CHAP. VII. <sup>1687.</sup> were, indeed, not only avowed, but somewhat ostentatiously displayed as proofs of the King's confidence in the legitimacy and success of his measures. Official letters<sup>a</sup> had also been sent to the lord lieutenants, directing them to obtain answers from the deputy lieutenants and justices of peace of their respective counties, to the questions whether, if any of them were chosen to serve in parliament, they would vote for the repeal of the penal laws and the test, and whether they would contribute to the election of other members of the like disposition ; and also to ascertain what corporations in each county were well affected, what individuals had influence enough to be elected, and what Catholics and Dissenters were qualified to be deputy lieutenants or justices of the peace. Several of the lord lieutenants refused to obey an unconstitutional command : their refusal had been foreseen ; and one of the reasons for the circular letter was, that so specious a pretext as that of disobedience might thus be found for their removal from office.<sup>b</sup>

Removal of  
lord lieutenants.

Sixteen lieutenantcies<sup>c</sup>, held by fourteen lieutenants, were immediately changed, of whom the majority were the principal noblemen of the kingdom, to whom the government of the most important provinces had, according to ancient usage, been entrusted. The removal of Lord Scarsdale<sup>d</sup> from his lieutenantcy of Derbyshire showed the disposition of the Princess Anne, and furnished some scope for political dexterity on her part and on that of her father. Lord Scarsdale holding an office in the household of Prince George, the Princess sent Lord Churchill to the King from herself and her husband, humbly desiring to know his Majesty's pleasure how they should deal with one of the Prince's servants who had incurred the King's disfavour. The King, per-

<sup>a</sup> 5th Oct. 1687. State Paper Office. Lord Lonsdale's Memoirs. Van Citters, 7th Nov., whose account exactly corresponds with the original document.

<sup>b</sup> Barillon,  $\frac{28 \text{ Nov.}}{8 \text{ Dec.}}$  1687. "Il alloit faire cette tentative pour avoir un prétexte de les changer."

<sup>c</sup> Id.  $\frac{8}{18}$  Dec. 1687.

<sup>d</sup> Id.  $\frac{5}{15}$  Dec. 1687.

ceiving that it was intended to throw Scarsdale's removal from their household upon him, and extremely solicitous that it should appear to be his daughter's spontaneous act, and thus seem a proof of her hearty concurrence in his measures, declared his reluctance to prescribe to them in the appointment or dismissal of their officers. The Princess (for Prince George was a cipher) contented herself with this superficial show of respect, resolved that the sacrifice of Scarsdale, if ever made, should appear to be no more than the bare obedience of a subject and a daughter.

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James was soon worsted in this conflict of address, and he was obliged to notify his pleasure that Scarsdale should be removed, in order to avoid the humiliation of seeing his daughter's court become the refuge of those whom he had displaced.<sup>a</sup> The vacant lieutenancies were bestowed on Catholics, with the exception of Mulgrave, (who had promised to embrace the King's faith, but whose delays begot suspicions of his sincerity,) and of Jeffreys, Sunderland, and Preston; who, though they continued to profess the Protestant religion, were no longer members of the Protestant party. Five colonels of cavalry, two of infantry, and four governors of fortresses, some of whom were also lord lieutenants, and most of them were of the same class of persons, were removed from their commands. Of thirty-nine new sheriffs, thirteen were said to be Roman Catholics.<sup>b</sup> Although the proportion of gentry among the Nonconformists was less, yet their numbers being much greater, it cannot be doubted that a considerable majority of these magistrates were such as the King thought likely to serve his designs. Even the most obedient and zealous lord lieutenants appear to have been generally unsuccessful: the Duke of Beaufort

<sup>a</sup> Barillon,  $\frac{20}{30}$  August, 1687.

<sup>b</sup> The names are marked in a handwriting apparently contemporary, on the margin of the list, in a copy of the London Gazette now before me. Van Citters (14th Nov.) makes the sheriffs almost all either Roman Catholics or Dissenters, probably an exaggeration. In his despatch of 16th December, he states the sheriffs to be thirteen Catholics, thirteen Dissenters, and thirteen submissive Churchmen.

CHAP. VII. made an unfavourable report of the principality of Wales; and  
 1687. neither the vehemence of Jeffreys in Buckinghamshire, nor the extreme eagerness of the Earl of Rochester (where he was blamed for indiscretion and excess<sup>a</sup>) made any considerable impression on these counties. Lord Waldegrave, a Catholic, the King's son-in-law, found insurmountable obstacles in Somersetshire.<sup>b</sup> Lord Molyneux, also a Catholic, appointed to the lieutenancy of Lancashire, made an unfavourable report even of that county, then the secluded abode of an ancient Catholic gentry; and Dr. Leyburn, a Catholic bishop, who had visited every part of England in the discharge of his episcopal duty, found little to encourage the hopes and prospects of the King. The most general answer appears to have been that, if chosen to serve in parliament, the individuals to whom the questions were put would vote according to their consciences, after hearing the reasons on both sides; that they could not promise to vote in a manner which their own judgment after discussion might condemn; that if they entered into so unbecoming an engagement, they might incur the displeasure of the House of Commons for betraying its privileges, and they would justly merit condemnation from all good men for disabling themselves to perform the duty of faithful subjects by the honest declaration of their judgment on those arduous affairs of the kingdom on which they were assembled to advise and aid the King. The court was incensed by these answers; but to cover their defeat, and make their resolution more known, it was formally notified in the London Gazette<sup>c</sup>, that "His Majesty, being resolved to maintain the liberty of conscience, and to use the utmost endeavours that it may pass into a law, and become an established security for after ages, has thought fit to review the lists of deputy lieutenants and justices of the peace, that those may continue who are willing to contribute to so good and neces-

<sup>a</sup> Johnstone MSS., 8th December, 1687.

<sup>b</sup> D'Adda, <sup>2</sup>/<sub>12</sub> Dec. 1687.

<sup>c</sup> London Gazette, 11th Dec. 1687.

sary a work, and such others added from whom he may reasonably expect the like concurrence." CHAP. VII.

1687.

Patronage of  
the Crown.

It is very difficult to determine in what degree the patronage of the Crown, military, civil, and ecclesiastical, at that period, influenced parliamentary elections. The colonies then scarcely contributed to it.\* No offices in Scotland, and few in Ireland, were bestowed for English purposes. The revenue was small when compared with that of after times, even after due allowance is made for subsequent change in the value of money. But it was collected at such a needless expense as to become, from the mere ignorance and negligence of the government, a source of influence much more than proportioned to its amount. The Church was probably guarded for the moment, by the zeal and honour of its members, against the usual effects of royal patronage, and even the mitre lost much of its attractions, while the see of York was believed to be kept vacant for a Jesuit. A standing army of 30,000 men presented new means of provision and objects of ambition to the young gentry, who then monopolized military appointments. The revenue, small as it now seems, had increased in proportion to the national wealth, more in the half century before than in any equal period since, and the army had within that time come into existence. It is not easy to decide whether the novelty and rapid increase of these means of bestowing gratification increased their power over the minds of men, or whether it was not necessarily more feeble until long experience had directed the eyes of the community towards the Crown as the source of income and advancement. It seems reasonable to suppose that it might at first produce more violent movements, and in the sequel more uniform support. All the offices in provincial administration were then more coveted than they are now. No modern legislation or practice had then withdrawn any part of that administration from lieutenants, deputy lieutenants, sheriffs, coroners, in whose hands it had been placed by the an-

\* Chamberlayne's present State of England. 1674.

CHAP. VII. 1687. cient laws. A justice of the peace exercised a power over his inferior never controlled by public opinion, and for the exercise of which he could hardly be said to be practically amenable to law. The influence of government has abated as the powers of these offices have been contracted, or their exercise more jealously watched. The patronage of government cannot be justly estimated, unless it be compared with the advantage to be expected from other objects of pursuit. The professions called learned had then fewer stations and smaller incomes than at subsequent periods. In commerce, the disproportion was immense; there could hardly be said to be any manufactures: agriculture was unskilful, and we do not hear of opulent farmers. Perhaps the whole amount of income and advantage at the disposal of the Crown bore a larger proportion to that which might be earned in all the other pursuits which were raised above manual labour, than might at first sight be supposed. How far the proportion was less than at present it is hard to say; but patronage in the hands of James was the auxiliary of great legal power through lord lieutenants, and of the direct nomination of the members for the corporate towns. The grossest species of corruption had been practised among members of the House of Commons<sup>a</sup>; and the complaints which were at that time prevalent<sup>b</sup> of the expense of elections, render it very probable that bribery was spreading among the electors. Expensive elections have, indeed, no other necessary effect than that of throwing elections into the hands of very wealthy candidates; but they afford too specious pretexts for the purchase of votes, not to be employed in eager contests, as a disguise of that practice.

The rival, though sometimes auxiliary, influence of great proprietors, seems to have been at that time, at least, as considerable as at any succeeding moment. The direct power of nomination must have been vested in many of them by the same state of suffrage and property which confer it on them at present. They

<sup>a</sup> Pension Parliament.

<sup>b</sup> Resolution against treating.



were not rivalled in more popular elections by a monied interest. The power of the landholders over their tenants was not circumscribed, and in all county towns they were the only rich customers of tradesmen who had only begun to emerge from indigence and dependence. The majority of the landholders were Tories, and now adhered to the church. The minority, consisting of the most opulent and noble, were the friends of liberty, who received with open arms their unwonted allies.

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1687.

From the naturally antagonist force of popular opinion little was probably dreaded by the Court. The Papal, the French, and the Dutch minister, as well as the King and Lord Sunderland, in their unreserved conferences with the first two ministers, seem to have pointed all their expectations and solitudes towards the uncertain conduct of powerful individuals. The body of the people could not read: one portion of them had little knowledge of the sentiments of another. No publication was tolerated, on a level with the information then possessed, even by the middle classes; and the only channel through which they could be acted upon was the pulpit, which the King had vainly though perfidiously endeavoured to shut up. Considerable impediments stood in the way of the King's direct power over elections. These consisted chiefly in the difficulty of finding candidates for parliament not altogether disreputable, and corporators whose fidelity might be relied on. The moderate Catholics reluctantly concurred in the precipitate measures of the Court. They were disqualified by long exclusion from business, for those offices to which their rank and fortune gave them a natural claim; and their whole number was so small, that they could contribute no adequate supply of fit persons for inferior stations.\* The numbers of the Nonconformists were, indeed, considerable; amounting, probably, to a sixteenth of the

\* By Sir W. Petty's computation, which was the largest, the number of the Catholics in England and Wales, about the accession of James, was 32,000, and the survey of bishops in 1676, by order of Charles II., made it 27,000. Barlow (Bishop of Lincoln), *Genuine Remains*, 312. London, 1693.

"George Fox," said Sir W. Petty, "made five times more Quakers in forty-four years than the Pope, with all his greatness, has made Papists."

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people, besides the compulsory and occasional Conformists, whom the declaration of indulgence had now encouraged to avow their real sentiments.<sup>a</sup> Many of them had acquired wealth by trade, which under the Republic and the Protectorate began to be generally adopted as a liberal pursuit; but they were confined to the great towns, and chiefly to the Presbyterian persuasion, who were ill affected to the Court. Concerning the greater number, who were to fill corporations through the country, it was difficult to obtain accurate information, and hard to believe, that in the hour of contest, they could forget their enthusiastic animosity against the Church of Rome. As the project of introducing Catholics into the House of Commons by an exercise of the dispensing power had been abandoned, nothing could be expected from them but aid in elections; and if one eighth of the members should be Nonconformists, a number so far surpassing their natural share, they would still bear a small proportion to the whole body of the House. These intractable difficulties, founded in the situation, habits, and opinions of men, over which measures of policy or legislation have no direct or sudden power, early suggested to the more wary of the King's counsellors the propriety of attempting some compromise, by which he might immediately gain more advantage and security for the Catholics than could have been obtained from the Episcopalian Parliament, and open the way for further advances in a more favourable season. Shortly after the dissolution, Lord Sunderland communicated to the nuncio his opinions on the various expedients by which the jealousies of the Nonconformists might be satisfied.<sup>b</sup> "As we have wounded the Anglican party," said he, "we must destroy it, and use every means to strengthen as well as conciliate the other, that the whole nation may not be alienated, and that the army may not discover the dangerous secret of the exclusive reliance of the Government upon its fidelity. Among the Nonconformists

Moderate  
views of  
Sunderland.

<sup>a</sup> Barlow, *ubi supra*. About 250,000, when the population was little more than four millions.

<sup>b</sup> D'Adda,  $\frac{28 \text{ Lugl.}}{7 \text{ Agosto,}}$  1687.

were three opinions relating to the Catholics: that of those who would repeal all the penal laws against religious worship, but maintain the disabilities for office and parliament; that of those who would admit the Catholics to office, but continue their exclusion from both Houses of Parliament; and that of a still more indulgent party, who would consent to remove the recent exclusion of the Catholic peers, trusting to the oath of supremacy in the reign of Elizabeth, as a legal, though it had not proved in practice a constant bar, against their entrance into the House of Commons; to say nothing of a fourth project, entertained by zealous Catholics and thorough courtiers, that Catholic peers and commoners should claim their seats in both Houses by virtue of royal dispensations, which would relieve them from the oaths and declarations against their religion required by law; an attempt which the King himself had felt to be too hazardous; likely to excite a general commotion on the first day of the session, to produce an immediate rupture with the new Parliament, and to forfeit all the advantage which had been already gained by a determination of both Houses against the validity of the dispensations." He added, that "he had not hitherto conferred on these weighty matters with any but the King; that he wished the nuncio to consider them, and was desirous to govern his own conduct by that prelate's decision." At the same time he gave D'Adda to understand, that he was inclined to some of the above conciliatory expedients, observing, "that it was better to go on step by step, than obstinately to aim at all with the risk of gaining nothing;" and hinting, that this pertinacity was peculiarly dangerous, where all depended on the life of his Majesty. The purpose of Sunderland was to insinuate his own opinions into the mind of the nuncio, who was the person most likely to reconcile the King and his priests to partial advantages. But a prelate of the Roman court, however inferior to Sunderland in other respects, was more than his match in the art of evading the responsibility which attends advice in perilous conjunctures. With many commendations of Sunderland's zeal,

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D'Adda professed "his incapacity of judging in a case which involved the opinions and interests of so many individuals and classes; but he declared, that the fervent prayers of his Holiness, and his own feeble supplications, would be offered to God, for light and guidance to his Majesty and his ministers in the prosecution of their wise and pious designs."

William Penn proposed a plan different from any of the *temperaments* mentioned above; which consisted in the exclusion of Catholics from the House of Commons, and the division of all the public offices into three equal parts, one of which should belong to the church, another should be open to the Nonconformists, and a third to the Catholics\*, an extremely unequal distribution, if it implied the exclusion of the members of the church from two thirds of the stations in the public service; and not very moderate, if it should be understood only as providing against the admission of the dissidents to more than two thirds of these offices. Eligibility to one third would have been a more equitable proposition, and perhaps better than any but that which alone is perfectly reasonable; that the capacity of being appointed to office should be altogether independent of religious opinion.

An equivalent for the tests was held out at the same time, which had a very specious and alluring appearance. It was proposed that an act for the establishment of religious liberty should be passed; that all men should be sworn to its observance; that it should be made a part of the coronation oath, and rank among the fundamental laws, as the *Magna Charta* of Conscience, and *that any attempt to repeal it should be declared to be a capital crime.*<sup>b</sup>

The principal objections to all these mitigated or attractive proposals arose from distrust in the King's intention. It did not depend on the conditions offered, and was as fatal to moderate compromise as to undistinguishing surrender. The nation were now in a temper to consider every concession made to the King as

\* Johnstone MSS. 13th January, 1688.

<sup>b</sup> William Penn. "Good Advice." "Parliamentum Pacificum."

an advantage gained by an enemy, which mortified their pride, as well as lessened their safety. They regarded negociation as an expedient of their adversaries to circumvent, disunite, and dishearten them.

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The state of the House of Lords was a very formidable obstacle. Two lists of the probable votes in that assembly on the Test and Penal laws were sent to Holland, and one to France, which are still extant.\* These vary in some respects from each other, according to the information of the writers, and probably according to the fluctuating disposition of some peers.

House of  
Lords.

The greatest division adverse to the Court which they present, is ninety-two against the repeal of the penal and disabling laws to thirty-five for it, besides twenty whose votes are called doubtful, and twenty-three disabled as Catholics. The least division is eighty-six to thirty-three, besides ten doubtful and twenty-one Catholic. The majority on the highest statement would, therefore, be fifty-seven, and that on the lowest fifty-three; if we suppose the voters to continue steady, and the proportions not to be materially changed by death. Singular as it may seem, Rochester, the leader of the church party, is represented in all the lists as being for the repeal. From this agreement of the lists, and from his officious zeal as Lord Lieutenant of Hertfordshire, it cannot be doubted that he had promised his vote to the King; but it is hard to say whether his promise was sincere, and not easy to determine whether treachery to his party or insincerity to his old master would be most deserving of blame. He cannot be acquitted of a grave offence either against political or personal morality. His brother Clarendon, a man of less understanding and courage, is numbered in one list as doubtful, and represented by another as a supporter of the Court. Lord Churchill is stated to be for the repeal; probably from the confidence of the writers that gratitude would in him prevail over every other motive; for it appears that

\* The reports sent to Holland were communicated to me by the Duke of Portland. One of them purports to be drawn by Lord Willoughby. That sent by Barillon is from the *Dépôt des Affaires Etrangères*.

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on this subject he had the merit of not having dissembled his sentiments to his royal benefactor.<sup>a</sup> Lord Godolphin, engaged rather in ordinary business than in political councils, was numbered in the ranks of official supporters. As Lord Dartmouth, and Lord Preston, and Lord Feversham never fluctuated on religion, they deserve the credit of being rather blinded by personal attachment than tempted by interest or ambition in their support of the repeal.<sup>b</sup> Howard of Escrick and Grey de Werk, who had saved their own lives by contributing to take away those of their friends, appear in the minority as slaves of the Court. Of the Bishops only four had gone so far as to be counted in all the lists as voters for the King.<sup>c</sup> Wood of Lichfield appears to be with the four in one list, and doubtful in another. The compliancy of Sprat had been such as to place him perhaps unjustly in the like situation. Old Barlow of Lincoln was thought doubtful. The other aged prelate, Crofts of Hereford, though he deemed himself bound to obey the King as a Bishop, claimed the exercise of his own judgment as a Lord of Parliament. Sunderland, who is marked as a disabled Catholic in one of the lists, and as a doubtful voter in another, appears to have obtained the Royal consent to a delay of his public profession of the Catholic religion, that he might retain his ability to serve it by his vote in Parliament.<sup>d</sup> Mulgrave was probably in the same predicament.

If such a majority were to continue immoveable, the counsels of the King must have been desperate, or he must have had recourse to open force. But this perseverance was improbable.

<sup>a</sup> 1 Coxe, Marlb. 23—29., where the authorities are collected, to which may be added the testimony of Johnstone:—"Lord Churchill swears he will not do what the King requires from him."—Johnstone's Letters, 12th Jan. 1688.

<sup>b</sup> Johnstone, however, who knew them, did not ascribe their conduct to frailties so generous: "Lord Feversham and Lord Dartmouth are desirous of acting honourably. But the first is mean-spirited, and the second has an empty purse; yet aims at living grandly. Lord Preston desires to be an honest man; but if he were not your friend and my relation, I should say that he is both Feversham and Dartmouth." Johnst. Letters, 12th Jan. 1688.

<sup>c</sup> Durham (Crew), Oxford (Parker), Chester (Cartwright), and St. David's (Watson).

<sup>d</sup> "Ministers and others about the King, who have given him grounds to expect that they will turn papists, say, that if they change before the parliament, they cannot be useful to H. M. in parliament, as the test will exclude them." Johnstone, 8th Dec. 1687.

Among the doubtful there might have been some who concealed a determined resolution under the exterior of silence or of hesitation. Such, though under a somewhat different disguise, was the Marquis of Winchester, who indulged and magnified the eccentricities of an extravagant character; counterfeited, or rather affected a disordered mind, as a security in dangerous times, like the elder Brutus in the legendary history of Rome; and travelling through England in the summer of 1687, with a retinue of four coaches and a hundred horsemen, slept during the day, gave splendid entertainments in the night; and by torch-light, or early dawn, pursued the sports of hunting and hawking.\* But the majority of the doubtful must have been persons who assumed that character to enhance their price, or who lay in wait for the turns of fortune, or watched for the safe moment of somewhat anticipating her determination. Of such men the powerful never despair. The example of a very few would be soon followed by the rest, and if they or many of them were gained, the accession of strength could not fail to affect those timid and mercenary men who are to be found in all bodies, and whose long adherence to the opposition was already wonderful. But the subtle genius of Lord Sunderland, not content with ordinary means of seduction and with the natural progress of desertion, had long meditated an expedient for quickening the latter, and for supplying in some measure the place of both. He early communicated to the nuncio a plan for subduing the obstinacy of the Upper House by the creation of the requisite number of new peers<sup>b</sup> devoted to his Majesty's measures. He proposed to call up by writ the elder sons of friendly lords, which would increase the present strength, without the incumbrance of new peerages, whose future holders might be independent. Some of the Irish<sup>c</sup>, and probably of the Scotch nobility, whose rank made their elevation to the English peerage specious, and whose fortunes disposed them to dependency

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\* Reresby, 247.

<sup>b</sup> D'Adda,  $\frac{1}{11}$  Ottob. 1686.

<sup>c</sup> Johns. Lett. 27th Feb. 1688.

CHAP. VII. 1687. on royal bounty, attracted his attention, as they did that of those ministers who carried his project into execution twenty-five years afterwards. He was so enamoured of this plan, that in a numerous company, where the resistance of the Upper House was said to be formidable, he cried out to Lord Churchill, "O silly! why, your troop of guards shall be called to the House of Lords!"<sup>a</sup> On another occasion (if it be not a different version of the same anecdote) he declared, that sooner than not gain a majority in the House of Lords, he would make all Lord Feversham's troop peers.<sup>b</sup> The power of the Crown was in this case unquestionable. The constitutional purpose for which the prerogative of creating peers exists, is, indeed, either to reward public service, or to give dignity to important offices, or to add ability and knowledge to a part of the legislature, or to repair the injuries of time, by the addition of new wealth to an aristocracy which may have decayed. But no law limits its exercise.<sup>c</sup> By the bold exercise of the prerogative of creating peers, and of the then equally undisputed right of granting to towns the privilege of sending members to parliament, it is evident that the King possessed the fullest means of subverting the constitution by law. The obstacles to the establishment of despotism consisted in his own irresolution or unskilfulness, in the difficulty of finding a sufficient number of trustworthy agents, and in such a determined hostility of the body of the people as led sagacious observers to forbode an armed resistance.<sup>d</sup> The firmness of the Lords has been ascribed to their

<sup>a</sup> Burnet, iii. 249. Oxford edition; Lord Dartmouth's note.

<sup>b</sup> Halifax MSS. The turn of expression would seem to indicate different conversations. At all events, Halifax affords a strong corroboration.

<sup>c</sup> It is, perhaps, not easy to devise such a limitation, unless it was provided that no newly created peer should vote till a certain period after his creation, which, in cases of signal service, would be ungracious, and in those of official dignity inconvenient.

<sup>d</sup> On suivra ici le projet d'avoir un parlement tant qu'il ne paroitra pas impraticable, mais s'il ne réussit pas, le Roi d'Angleterre pretendra faire par son autorité ce qu'il n'aura pas obtenu par la voie d'un parlement. C'est en ce cas là qu'il aura besoin de ses amis au dedans et au dehors, et il recevra alors des oppositions qui approcheront fort d'une rebellion ouverte. On ne doit pas douter qu'elle ne soit soutenue par M. le Prince d'Orange, et que beaucoup de gens qui paroissent attachés au Roi d'Angleterre ne lui manquent au besoin; cette épreuve sera fort perilleuse." Barillon, Windsor, <sup>29 Sept.</sup> 1687. <sub>9 Oct.</sub>



fears of a resumption of the church property confiscated at the Reformation. But at the distance of a century and a half, and after the dispersion of much of that property by successive sales, such fears were too groundless to have had a considerable influence. But though they ceased to be distinctly felt, and to act separately, it cannot be doubted that the remains of apprehensions once so strong, still contributed to fortify that dread and horror of popery, which were an hereditary point of honour among the great families aggrandized and enriched under the Tudors. The edge of religious animosity among the people was sharpened by the controversy then revived between the divines of the two churches. A dispute about the truth of their religion was insensibly blended with contests concerning the safety of the Establishment, and the extent of toleration infused into it that hatred which is often fiercer, and always more irreconcilable against those who oppose the opinions which we hold sacred than against the opponents of our most important interests. The Protestant establishment and the cause of liberty owed much, it must be owned, to this dangerous and odious auxiliary. The fear, the jealousy, the indignation of the people were more legitimately excited against Roman Catholic government by the barbarous persecution of the Protestants in France, and by the unprovoked invasion of the vallies of Piedmont; both acts of a monarch of whom their own sovereign was then believed to be, as he is now known to have been, the creature.

The King had, in the year 1686, tried the efficacy of a progress through a part of the kingdom, to conciliate the nobility by personal intercourse, and to gratify the people by a royal visit to their remote abodes. It also afforded an opportunity of rewarding compliance by smiles, and of marking the contumacious. With these views he had meditated a journey to Scotland, and a coronation in that kingdom. He now confined himself to an excursion through some southern and western counties, which he began at Portsmouth, proceeding through Bath, at which place the Queen remained during his journey to Chester, where he had that im-

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1687.

Royal pro-  
gress.  
August.

CHAP. VII. <sup>1687.</sup> portant interview with Tyrconnel, of which we have already spoken. He was easily led to consider the courtesies of the nobility due to his station, and the acclamations of the multitude naturally excited by his presence, as symptoms of an inflexible attachment to his person, and of a general acquiescence in his designs. These appearances, however, were not considered as of serious importance, either by the Dutch minister, who dreaded the King's popularity, or by the French ambassador, who desired its increase, or by the papal nuncio, who was so friendly to the ecclesiastical policy of the court, and so adverse to its foreign connections as to render him in some measure an impartial observer. The journey was attended by no consequences more important than a few addresses extorted from the Dissenters by the importunity of personal canvass, and the unseemly explosion of royal anger at Oxford against the fellows of Magdalen College.<sup>a</sup> Scarcely any of the King's measures seem to have had less effect on general opinion, and appears less likely to influence the election for which he was preparing.

Pregnancy of  
the Queen.

But it was speedily followed by an occurrence which strongly excited the hopes and fears of the public, and at length drove the opponents of the King to decisive resolutions. Soon after the return of the Court to Whitehall<sup>b</sup>, it began to be whispered that the Queen was pregnant. This event in the case of a young princess, and of a husband still in the vigour of life, might seem too natural to have excited surprise. But five years had elapsed since her last childbirth, and out of eleven children who were born to James by both his wives, only two had outlived the years of infancy. Of these the Princess of Orange was childless; and the

<sup>a</sup> "The King has returned from his progress so far as Oxford, on his way to the Bath, and we do not hear that his observations or his journey can give him any great encouragement. Besides the considerations of conscience and the public interest, it is grown into a point of honour universally received by the nation not to change their opinions, which will make all attempts to the contrary ineffectual." Halifax to Prin. of Orange, 1st Sept. 1687. Dalrymple, App. to Book V.

<sup>b</sup> James rejoined the Queen at Bath on the 6th of September. On the 16th he returned to Windsor, where the Queen came on the 6th of October. On the 11th of that month they went to Whitehall. Lond. Gaz.

Princess Anne, who had six children, lost five within the first year of their lives, while the survivor only reached the age of eleven. Such an apparent peculiarity of constitution, already transmitted from parent to child, seemed to the credulous passions of the majority, unacquainted as they were with the latitude and varieties of nature, to be a sufficient security against such an accession to the royal progeny as should disturb the order of succession to the crown. The rumour of the Queen's condition suddenly dispelled this security. The Catholics had long and fervently prayed for the birth of a child, who being educated in their communion, might prolong the blessings which they were beginning to enjoy. As devotion, like other warm emotions, is apt to convert wishes into hopes, they betrayed a confidence in the efficacy of their prayers, which early excited suspicions among their opponents that less pure means might be employed for the attainment of the object. Though the whole importance of the pregnancy depended upon contingencies so utterly beyond the reach of human foresight as the sex of the child, the passions of both parties were too much excited to calculate probabilities, and the fears of the Protestants as well as the hopes of the Catholics anticipated the birth of a male heir. The animosity of the Protestants imputed to the Roman Catholic religion, that unscrupulous use of any means for the attainment of an object earnestly desired, which might more justly be ascribed to inflamed zeal for any religious system, or with still greater reason to all those ardent passions of human nature, which, when shared by multitudes, are released from the restraints of fear or shame. In the latter end of November a rumour that the Queen had been pregnant for two months became generally prevalent<sup>a</sup>; and early in December, surmises of imposture began to circulate at court.<sup>b</sup> Time did not produce its usual effect of removing uncertainty, for, in the middle of the same month, the Queen's symptoms were represented by physicians as

<sup>a</sup> Narc. Luttrell, Diary, 28th Nov. 1687.

<sup>b</sup> Johnstone, 8th Dec. O. S. 1687.

CHAP. VII. still ambiguous, in letters, which the careful balance of facts on  
 1687. both sides, and the cautious abstinence from a decisive opinion, seem to exempt from the suspicion of bad faith.<sup>a</sup> On the 23d of December, a general thanksgiving for the hope of increasing the royal family was ordered; but on the 15th of the next month, when that thanksgiving was observed in London, Lord Clarendon remarked with wonder, "that not above two or three in the Church brought the form of prayer with them; and that it was strange to see how the Queen's pregnancy was every where ridiculed, as if scarce any body believed it to be true."<sup>b</sup> The nuncio early expressed his satisfaction at the pregnancy, as likely to contribute "to the re-establishment of the Catholic religion in these kingdoms<sup>c</sup>;" and in the following month, he pronounced to her Majesty the solemn benediction of the sovereign pontiff, on a pregnancy so auspicious to the Church.<sup>d</sup> Of the other ministers most interested in this event, Barillon, a veteran diplomatist, too cool and experienced to be deluded by his wishes, informed his master, "that the pregnancy was not believed to be true in London; and that in the country, those who spread the intelligence were laughed at<sup>e</sup>:" while the republican minister, Van Citters, coldly communicated the report, with some of the grounds of it, to the States-General, without hazarding an opinion on a matter so delicate.

The Princess Anne, in confidential letters to her sister at the Hague, when she had no motive to dissemble, signified her unbelief, which continued even after the birth of the child<sup>f</sup>, and was neither subdued by her father's solemn declarations, nor by the

<sup>a</sup> Johnstone, 16th Dec. 1687, containing a statement of the symptoms by Sir Charles Scarborough, and another physician whose name I have been unable to decipher.

<sup>b</sup> Diary of H. Earl of Clarendon, 15th Jan. 1688.

<sup>c</sup> D'Adda,  $\frac{22 \text{ Nov.}}{2 \text{ Dec.}}$  1687.

<sup>d</sup> Id.  $\frac{9 \text{ Feb.}}{20 \text{ Febrajo,}}$  1688.

<sup>e</sup> Barillon,  $\frac{1}{11}$  Dec. 1687.

<sup>f</sup> March 14th and 20th, 1688. Dalrymple, App. 300. "Her being so positive it will be a son, and the principles of that religion being such that they will stick at nothing, be it ever so wicked, if it will promote their interest, give some cause to fear that there is foul play

testimony which he produced.<sup>a</sup> On the whole, the suspicion, though groundless and cruel, was too general to be dishonest ; there is no evidence that the rumour originated in the contrivance of any individuals ; it is for that reason more just, as well as perhaps in itself more probable, to conclude that it arose spontaneously in the minds of many, influenced by the circumstances and prejudices of the time, and the most instructive inference to be deduced from it is, that the universal prevalence of such epidemic opinions often affords no more than a very slight presumption of their truth, but that they ought to be considered as sufficient to exculpate even men of understanding, who are subject to the action of the contagion, from that imputation of insincerity which, by their professed belief in rumours, without proof and against probability, they could hardly fail to incur in times more favourable to calm judgment. The currency of the like rumours, on a similar occasion, five years before, favours the opinion that they arose from the obstinate prejudices of people rather than from the invention of designing politicians.<sup>b</sup> The imprudent confidence of the Catholics materially contributed to strengthen the suspicions of their opponents. When the King and his friends ascribed the pregnancy to his own late prayers at St. Winifred's<sup>c</sup> well, or to the vows while living, and intercession since death of the deceased Duchess of Modena, the Protestants suspected that effectual measures would be taken to prevent the interposition of Heaven from being of no avail to the Catholic cause. Their jealous apprehensions were countenanced by the expectations of the Catholics that the child was to prove a son, which was indicated in the proclamation for thanksgiving<sup>d</sup>,

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intended." On the 18th of June, 1688, she says, "Except they give very plain demonstration, which seems almost impossible now, I shall ever be of the number of unbelievers."

Even the candid and loyal Evelyn very intelligibly intimates his suspicions. (Diary, 10th and 17th June, 1688.)

<sup>a</sup> Clarendon Diary, 31st Oct., 1688.

<sup>b</sup> "If it had pleased God to have given his Highness the blessing of a son, as it proved a daughter, you were prepared to make a Perkin of him." L'Estrange, *Observer*, 23d August, 1682.

<sup>c</sup> Life of James II., ii. 129.

<sup>d</sup> The object of the thanksgiving was indicated more plainly in the Catholic form of prayer

CHAP. VII. and unreservedly avowed in private conversation. As straws show  
 1687. the direction of the wind, the writings of the lowest scribblers may sometimes indicate the temper of a party, and one such writing, preserved by chance, may probably be a sample of the multitudes which have perished. Mrs. Behn, a loose and paltry poetastress of that age, was bold enough in the title page of what she calls "A Poem to their Majesties," to add, "on the hopes of all loyal persons for a Prince of Wales," and ventures in her miserable verses already to hail the child of unknown sex, as "Royal Boy."<sup>a</sup> The lampooners of the opposite party, in verses equally contemptible, showered down derision on the Romish imposture<sup>b</sup>, and pointed the general abhorrence and alarm towards the new Perkin Warbeck whom the Jesuits were preparing to be the instrument of their designs.

While these hopes and fears agitated the multitude of both parties, the ultimate objects of the King became gradually more definite, while he at the same time deliberated, or perhaps, rather decided, about the choice of his means. His open policy assumed a more decisive tone; Castlemaine, who in his embassy had acted with the most ostentatious defiance of the laws, and Petre, the most obnoxious clergyman of the Church of Rome, were sworn of the privy council.<sup>c</sup> The latter was even promoted to an ecclesiastical office in the household of a prince, who still exercised all the powers of the supreme head of a Protestant Church. Corker, an English Benedictine, the superior of a monastery of that order in London, had an audience of the King in his ecclesiastical habits, as envoy from the Elector of Cologne<sup>d</sup>, doubtless by a secret

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on that occasion:—"Concede propitius ut famula tua Regina nostra Maria partu felici prolem edat tibi fideliter servitutam." *Orationes addendæ ad missam in Regno Anglico.* Van. Att. 28th January, 1688.

<sup>a</sup> London, 1688.

<sup>b</sup> *State Poems*, vol. iii. and iv.; a collection at once the most indecent and unpoetical probably extant in any language.

<sup>c</sup> *Lond. Gaz.*, 25th Sept. 1687, and 11th Nov. 1687; in the last Petre is styled "Clerk of the Closet."

<sup>d</sup> *Narc. Luttrell*, January, 1688.

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understanding between James and that prince; an act, which Louis XIV. himself condemned as unexampled in Catholic countries, and likely to provoke heretics, whose prejudices ought not to be wantonly irritated.\* As the animosity of the people towards the Catholic religion increased, the designs of James for its re-establishment became bolder and more open. The monastic orders, clad in garments long strange and now alarming to the people, filled the streets of London, and the King prematurely exulted that his capital had the appearance of a Catholic city<sup>b</sup>, little aware of the indignation with which that obnoxious appearance inspired the body of his Protestant subjects. He must now have felt that his contests with the Church of England had reached that point in which neither party would submit without a total defeat. The language used or acquiesced in by him in the most confidential intercourse, does not leave his intention to be gathered by inference. For though the words, "to establish the Catholic religion," may denote no more than to secure its free exercise, another expression is employed on this subject for a long time, and by different persons, in correspondence with him, which has no equivocal sense, and allows no such limitation. On the 12th of May, 1687<sup>c</sup>, Barillon assured him, that the most Christian King "had nothing so much at heart as to see the success of his exertions to re-establish the Catholic religion." Far from limiting this important term, James adopted it in its full extent, answering, "You see that I omit nothing in my power." Not content with thus accepting the congratulation in its utmost latitude, James continued, "I hope the King your master will aid me; and that we shall, in concert, do great things for religion:" proclaiming his reliance for aid in his designs on a monarch who, at that moment, supported the religious establishment by persecution. In a few months afterwards, when imitating another part of the policy of

London has  
the appear-  
ance of a Ca-  
tholic city.

\* Le Roi à Barillon,  $\frac{16}{26}$  Fev. 1688.

<sup>b</sup> D'Adda,  $\frac{28 \text{ Feb.}}{9 \text{ Marzo}}$ , 1688.

<sup>c</sup> Barillon au Roi,  $\frac{2}{12}$  Mai, 1687.

CHAP. VII. 1687. Louis XIV., he had established a fund for rewarding converts to his religion, he solicited pecuniary aid from the Pope for that very ambiguous purpose. The nuncio, in answer, declared the sorrow of his Holiness, at being disabled by the impoverished state of his treasury to contribute money, notwithstanding "his paternal zeal for the promoting, in every way, the re-establishment of the Catholic religion in these kingdoms<sup>a</sup>;" as he had shortly before expressed his hope, that the Queen's pregnancy would ensure "the re-establishment of the true religion in these kingdoms<sup>b</sup>:" another term was in familiar use at court for the final object of the royal pursuit. It was called "the great work;" a phrase borrowed from the supposed transmutation of metals by the alchemists, which naturally signified a total change, and which never could have been applied to mere toleration by those who were in system, if not in practice, the most intolerant men of an intolerant age. The King told the nuncio, that Holland was the main obstacle to the establishment of the Catholic religion in these kingdoms; and D'Albyville, minister at the Hague, declared, that without humbling the pride of that republic, there could be no hope of the success "of the great<sup>c</sup> work." Two years afterwards, James, after reviewing his whole policy and its consequences, deliberately and decisively avows the extent of his own designs.<sup>d</sup> "Our subjects opposed our government, from the fear that we should introduce the orthodox faith, which we were, indeed, labouring to accomplish when the storm began, and which we have done in our kingdom of Ireland." Mary of Este, during the absence of her husband in Ireland, exhorts the papal minister, "to earn the glorious title of

<sup>a</sup> D'Adda,  $\frac{23 \text{ Dec. } 1687.}{2 \text{ Genn. } 1688.}$  "Il ristabilimento della religione Cattolica in questi Regni."

<sup>b</sup> D'Adda,  $\frac{22 \text{ Nov.}}{2 \text{ Dec.}}$  1687. "Il ristabilimento della vera religione in questi Regni."

<sup>c</sup> D'Adda,  $\frac{12}{22}$  Agosto, 1687.

<sup>d</sup> James II. to Cardinal Ottoboni. Dublin, 15th Feb. 1690. Papal MSS.



restorer of the faith in the British kingdoms<sup>a</sup>; and declares, that she “hopes much from his administration for the re-establishment both of religion and the royal family.”<sup>b</sup> Finally, the term “re-establish,” which can refer to no time subsequent to the accession of Elizabeth, had so much become the appropriate term, that Louis XIV. assured the Pope, of his determination to aid “the King of England, and to re-establish the Catholic religion in that island.”<sup>c</sup> None of the most discerning friends or opponents of the King seem at this time to have doubted that he meditated no less than to transfer to his own religion the privileges of an established church. Gourville, one of the most sagacious men of his age, being asked by the Duchess of Tyrconnel, when about to make a journey to London, what she should say to the King if he enquired about the opinion of his old friend Gourville, of his measures for the “re-establishment” of the Catholic religion in England, begged her to answer, “If I were pope, I should have excommunicated him for exposing all the English Catholics to the risk of being hanged. I have no doubt, that what he sees done in France is his model, but the circumstances are very different. In my opinion, he ought to be content with favouring the Catholics on every occasion, in order to augment their number, and he should leave to his successors the care of gradually subjecting England altogether to the authority of the pope.”<sup>d</sup> Bossuet, the most learned, vigorous, and eloquent of controversialists, in the great work on the variations of the Protestant churches, which he published at this critical time, ventured to foretell, that the pious efforts of James would speedily be rewarded by the reconciliation of the British islands with the universal church, and their filial submission to the apostolic see.<sup>e</sup>

If Gourville considered James an injudicious imitator of

<sup>a</sup> Mary to the same, St. Germain, 4th Dec. 1689, papal MSS.

<sup>b</sup> The same to the same,  $\frac{5}{15}$  Dec. 1689.

<sup>c</sup> Louis XIV. to the Pope,  $\frac{7}{17}$  Fév. 1689.

<sup>d</sup> Mémoires de Gourville, ii. 254. Paris, 1724.

<sup>e</sup> Histoire des Variations des Eglises Protestantes, lib. 7.

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Louis XIV., it is easy to imagine what was thought on the subject in England, at a time when one of the mildest, not to say most courtly, writers, in the quietness and familiarity of his private diary, speaks of "the persecution raging in France," and so far forgets his own temper, and the style suitable to such writings, as to call Louis "the French tyrant."<sup>a</sup> Lord Halifax, Lord Nottingham, and Lord Danby, the three most important opponents of the King's measures, disagreeing as they did very considerably in opinion and character, evidently agreed in their apprehension of the extent of his designs.<sup>b</sup> They advert to them as too familiar to themselves and their correspondent to require proof, or even developement; they speak of them as being far more extensive than the purposes avowed, and they apply terms to them which might be reasonable in the present times, when many are willing to grant and to be contented with religious liberty, but which are entirely foreign to the conceptions of an age when toleration (a term then synonymous with connivance) was the ultimate object of no great party in religion, but was sometimes sought by dissenters as a step towards establishment, and sometimes yielded by the followers of an established church under the pressure of a stern necessity. Some even of those who, having been gained over by the King, were most interested in maintaining his sincerity, were compelled at length to yield to the general conviction. Colonel Titus, a veteran politician, who had been persuaded to concur in the repeal of the penal laws (a measure agreeable to his general principles), declared "that he would have no more to do with him: that his object was only the repeal of the penal laws; that their design is to bring in their religion right or wrong, and to model the army in order to effect

<sup>a</sup> Evelyn, Diary, 3d of Sept. 1687. 23d of Feb. 1688.

<sup>b</sup> Lord Halifax to the Prince of Orange, 7th Dec. 1686. The same to the same, 18th Jan. 1687. "Though there appears *the utmost vigour to pursue the object which has been so long laid*, there seemeth to be no less firmness in the nation and aversion to change."—"Every day will give more light to what is intended; though it is already no more a mystery." Same to the same, 31st May, 1687.

Lord Nottingham to the Prince of Orange, 2d Sept. 1687:—"For though *the end at which they aim is very plain* and visible, the methods of arriving at that end have been variable and *uncertain*." Lord Danby, 27th March, 1688. Dalrymple, App. book v.

their purpose ; and, if that is not sufficient, to obtain assistance from France.”<sup>a</sup> The converts to the religious or political party of the King were few and discreditable. Lord Lorn, whose predecessors and successors were the firmest supporters of the religion and liberty of his country, is said to have been reduced by the confiscation of his patrimony<sup>b</sup> to the sad necessity of professing a religion which he must have regarded with feelings more hostile than those of mere unbelief. Lord Salisbury, whose father had been engaged with Russell and Sydney in the consultation called the Ryehouse Plot, and whose grandfather sat in the House of Commons after the abolition of monarchy and peerage, embraced the Catholic religion, and adhered to it during his life. The offices of attorney and solicitor-general, which acquire a fatal importance in this country under governments hostile to liberty, were newly filled. Sawyer, who had been engaged in the worst prosecutions of the preceding ten years, began to tremble for his wealth, and retired from a post of dishonourable danger. He was succeeded by Sir Thomas Powis, a lawyer of no known opinions or connections in politics, who acted on the unprincipled maxim, that, having had too little concern for his country to show any preference to public men or measures, he might as lawfully accept office under any government, as undertake the defence of any client. Sir W. Williams, the confidential adviser of Lord Russell, on whom a fine of ten thousand pounds had been inflicted, for a publication authorised by him as Speaker of the House of Commons, though solemnly pledged both to men and measures in the face of the public, now accepted the office of solicitor-general, without the sorry excuse of any of those maxims of professional ethics by which a powerful body countenance each other in their disregard of public duty. A project was in agitation for depriving the Bishop of London by a sentence of the ecclesiastical commissioners

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<sup>a</sup> Johnstone,  $\frac{6}{16}$  February, 1688.

<sup>b</sup> Narc. Lutt. 1st April, 1688, “arrested for 3000*l.*, declares himself a Catholic.”

CHAP. VII. <sup>1687.</sup> for perseverance in his contumacy<sup>a</sup>; but Cartwright, of Chester, his intended successor, having, in one of his drunken moments, declared the Chancellor and Lord Sunderland to be scoundrels who would betray the King, and having first denied it by his sacred order, but being at last reduced to beg pardon for it in tears<sup>b</sup>, the plan of raising him to the see of London was abandoned. Crew, Bishop of Durham, was expected to become a Catholic, and Parker of Oxford, the only prelate whose talents and learning, seconded by a disregard of danger and disgrace, qualified him for breaking the spirit of the clergy of the capital, though he had supported the Catholic party during his life, refused to conform to their religion on his death-bed<sup>c</sup>, leaving it doubtful, by his habitual alienation from religion and honour, to the lingering remains or the faint revival of which of these principles the unwonted delicacy of his dying moments may be most probably ascribed.

<sup>a</sup> Johnstone, 8th Dec. 1687. It may be proper to observe, that Johnstone's connections afforded him considerable means of information. Mrs. Dawson, an attendant of the Queen, was an intimate friend of his sister, Mrs. Baillie, of Jerviswood. Another of his sisters was the wife of General Drummond, who was deeply engaged in the persecution of the Scotch Presbyterians, and the Earl of Melfort's son had married his niece. His letters were to or for Burnet, his cousin, and to be read by the Prince of Orange, to both of whom he had the strongest inducements to give accurate information. He had frequent and confidential intercourse with Halifax, Tillotson, and Stillingfleet.

<sup>b</sup> Johnstone, 27th Feb. 1688. Narc. Luttrell, 11th Feb. 1688.

<sup>c</sup> Evelyn, 23d March, 1688.

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REMARKABLE QUIET.—ITS PECULIAR CAUSES.—COALITION OF NOTTINGHAM AND HALIFAX.—FLUCTUATING COUNSELS OF THE COURT.—“PARLIAMENTUM PACIFICUM.”—BILL FOR LIBERTY OF CONSCIENCE.—CONDUCT OF SUNDERLAND.—JESUITS.

ENGLAND perhaps never exhibited an external appearance of more undisturbed and profound tranquillity than in the momentous seven months which elapsed from the end of autumn to the beginning of summer. Not a speck in the heavens seemed to the common eye to forebode a storm. None of the riots now occurred which were the forerunners of the civil war under Charles I. There were none of those numerous assemblies of the people which affright by their force, when they do not disturb by their violence, and are sometimes as terrific in disciplined inaction, as in tumultuous outrage. Even the ordinary marks of national disapprobation, which prepare and announce a legal resistance to power, were wanting. There is no trace of public meetings in counties or great towns where such demonstrations of public opinion could have been made. The current of flattering addresses continued to flow towards the throne, uninterrupted by a single warning remonstrance of a more independent spirit, or even of a mere decent servility. It does not appear that in pulpits, where alone the people could be freely addressed, political topics were discussed, though it must be acknowledged that the controversial sermons against the opinions of the Church of Rome, which then abounded, proved in effect the most formidable obstacle to the progress of her ambition.

Various considerations will serve to lessen our wonder at this singular state of silence and inactivity. Though it would be idle

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to speak gravely of the calm which precedes the storm, and thus to substitute a trite illustration for a reason, it is nevertheless true, that there are natural causes which commonly produce an interval, sometimes, indeed, very short, of more than ordinary quiet between the complete operation of the measures which alienate a people, and the final resolution which precedes a great change. Amidst the hopes and fears which succeed each other in such a state, every man has much to conceal of what it requires some time to acquire boldness to disclose. Distrust and suspicion, the parents of silence, which easily yield to sympathy in ordinary and legal opposition, are called into full activity by the first secret consciousness of a disposition to more daring designs. It is natural for men in such circumstances to employ time in watching their opponents, as well as in ascertaining the integrity and courage of their friends. When human nature is stirred by such mighty agents, the understanding, indeed, rarely deliberates; but the conflict and alternation of strong emotions, which assume the appearance and receive the name of deliberation, produce naturally a disposition to a fearful pause before irrevocable action. The boldest must occasionally contemplate their own danger with apprehension; the most sanguine must often doubt their success; those who are alive to honour must be visited by the sad reflection, that if they be unfortunate they may be insulted by the multitude for whom they sacrifice themselves; and good men will be frequently appalled by the inevitable calamities to which they expose their country for the uncertain chance of deliverance. When the fluctuation of mind has terminated in bold resolution, a farther period of reserve must be employed in preparing the means of co-operation and maturing the plans of action. But there were some circumstances peculiar to the events now under consideration, which strengthened and determined the operation of general causes. In 1640, the gentry and the clergy were devoted to the court, while the higher nobility and the great towns adhered to the parliament. The people distrusted their divided superiors, and the tumultuous display of their force (the natural

Its peculiar  
causes.

result of their angry suspicions) served to manifest their own inclinations, while it called forth their friends and intimidated their enemies among the higher orders. In 1688, the state of the country was reversed. The clergy and gentry were for the first time discontented with the crown. The majority of the nobility, and the growing strength of the commercial classes, reinforced by these unusual auxiliaries, and by all who either hated popery or loved liberty, were fully as much disaffected to the King as the great body of the people. The nation trusted their natural leaders, who, perhaps, gave, more than they received, the impulse on this occasion. No popular chiefs were necessary, and none arose to supply the place of their authority with the people, who reposed in quiet and confidence till the signal for action was made. This important circumstance produced another effect. The whole guidance of the opposition fell gradually into fewer and fewer hands; it became every day easier to carry it on more calmly; popular commotion could only have disturbed councils where the people did not suspect their chiefs of lukewarmness, and the chiefs were assured of the prompt and zealous support of the people. It was as important to restrain the impetuosity of the multitude, as it might be necessary in other circumstances to indulge it. Hence arose the facility of caution and secrecy at one time, of energy and speed at another, of concert and co-operation throughout, which are indispensable in enterprises so perilous.

It must not be forgotten that a coalition of parties was necessary on this occasion. It was long before the Tories could be persuaded to oppose the monarch; and there was always some reason to apprehend, that he might by timely concessions recal them to their ancient standard. It was still longer before they could so far relinquish their avowed principles as to contemplate, without horror, any resistance by force, however strictly defensive. Two parties, who had waged war against each other in the contest between monarchy and popular government, during half a century, even when common danger taught them the necessity of sacrificing their differences, had still more than common reason to

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**CHAP.VIII.** examine each other's purposes before they at last determined on  
 1687. resolutely and heartily acting together. It required some time after a mutual belief in sincerity, before habitual distrust could be so much subdued as to allow reciprocal communication of opinion. In these moments of hesitation, the friends of liberty must have been peculiarly desirous not to alarm the new born-zeal of their important and unwonted confederates by turbulent scenes or violent councils.

The state of the succession to the crown had also a considerable influence, as will afterwards more fully appear. Suffice it for the present to observe, that the expectation of a Protestant successor restrained the impetuosity of the more impatient Catholics, and disposed the more moderate Protestants to an acquiescence, however sullen, in evils which could only be temporary. The rumour of the Queen's pregnancy had roused the passions of both parties; but as soon as the first shock had passed, the uncertain result produced an armistice, distinguished by the silence of anxious expectation, during which both eagerly but resolutely waited for the event, which might extinguish the hopes of one, and release the other from the restraint of fear.

It must be added, that to fix the precise moment when a wary policy is to be exchanged for bolder measures, is a problem so important, that a slight mistake in the attempt to solve it may be fatal, and yet so difficult, that its solution must generally depend more on a just balance of firmness and caution in the composition of character, than on a superiority of any intellectual faculties. The two eminent persons who were now at the head of the coalition against the Court, afforded remarkable examples of this truth. Lord Nottingham, who occupied that leading station among the Tories, which the timidity if not treachery of Rochester had left vacant, was a man of firm and constant character, but solicitous to excess for the maintenance of that uniformity of measures and language which, indeed, is essential to the authority of a decorous and grave statesman. Lord Halifax, sufficiently pliant, or perhaps fickle, though the boldest of politicians in speculation, became

Coalition of  
Nottingham  
and Halifax.



refined, sceptical, and irresolute, at the moment of action. Both hesitated on the brink of a great enterprise. Lord Nottingham pleaded conscientious scruples, and recoiled from the avowal of the principles of resistance which he had long reprobated. Lord Halifax saw difficulty too clearly, and continued too long to advise delay. Those who knew the state of his mind, observed "the war between his constitution and his judgment<sup>a</sup>;" in which, as usual, the former gained the ascendant for a longer period than, in the midst of the rapid progress of great events, was conducive to his reputation.

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Some of the same causes which restrained the manifestation of popular discontent, contributed also to render the counsels of the Government inconstant. The main subject of deliberation, regarding the internal affairs of the kingdom, continued to be the possibility of obtaining the objects sought for by a compliant parliament, or of pursuing them by means of the prerogative and the army. On these questions a more than ordinary fluctuation prevailed. Early in September, Bonrepaux, who, on landing, met the King at Portsmouth, was surprised at the frankness with which he owned, that the repairs and enlargements of that important fortress were intended to strengthen it against his subjects.<sup>b</sup> At several periods in the course of the year, the King and his most zealous advisers spoke of the like projects with as little reserve. In October it was said, "that if nothing could be done by parliamentary means, the King would do all by his prerogative;" an attempt from which Barillon expected that insurrection would ensue.<sup>c</sup> Three months after, the bigoted Romanists, whether more despairing of a parliament or confident in their strength, and incensed at resistance, no longer concealed their contempt of the Protestant part of the royal family, and of the necessity of

Fluctuating  
counsels of  
the Court.

<sup>a</sup> Johnstone, 4th April, 1688.

<sup>b</sup> Bonrepaux à Seignelai, 4th Sept. 1687. Fox MSS. ii.

<sup>c</sup> Barillon,  $\frac{30 \text{ Sept.}}{10 \text{ Oct.}}$  1687. Bonrepaux à Seignelai, same date. Fox MSS. ii.

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recurring to arms.\* The same temper showed itself at the eve of the birth of the prince. The King then declared, that, rather than desert, he should pursue his objects without a parliament, in spite of any laws which might stand in his way; a project which Louis XIV., less bigoted and more politic, considered "as equally difficult and dangerous."<sup>b</sup> But the sea might as well cease to ebb and flow, as a council to remain for so many months at precisely the same point in regard to such hazardous designs. In the interval between these plans of violence, hopes were sometimes harboured of obtaining from the daring fraud of returning officers, such a House of Commons as could not be hoped for from the suffrages of any electors. The prudence of the Catholic gentry, who were named sheriffs, appears to have speedily disappointed this expectation.<sup>c</sup> Neither do the Court appear to have even adhered for a considerable time to the bold project of accomplishing their purposes without a parliament. In moments of secret misgiving, when they shrunk from these desperate counsels, they seem frequently to have sought refuge in the flattering hope, that their measures to fill a House of Commons with their adherents, though hitherto so obstinately resisted, would in due time prove successful. The meeting of a parliament was always held out to the public; it was still sometimes regarded as a promising expedient<sup>d</sup>; and a considerable time for sounding and moulding the public temper yet remained before the three years after the dissolution, within which the triennial act required that assembly to be called together, would elapse. It seemed needless to cut off all

\* Johnstone, 29th Jan. 1688. Lady Melford overheard the priests speak to her husband of "blood," probably with some reference to foreign war, as well as to the suppression of the disaffected at home. "Sidney vous fera savoir qu'après des grandes contestations on est enfin résolu de faire leurs affaires sans un parlement."

<sup>b</sup> Barillon au Roi,  $\frac{26 \text{ Avril}}{6 \text{ Mai}}$ , 1688. Le Roi à Barillon,  $\frac{4}{14}$  Mai, 1688. "Le projet que fait la cour ou vous êtes de renverser toutes les lois d'Angleterre pour parvenir au but qu'elle se propose, me paroît d'une difficile et périlleuse exécution."

<sup>c</sup> Johnstone, 8th Dec. 1687. "Many of the popish sheriffs have estates, and declare that whoever expects false returns from them will be deceived."

<sup>d</sup> Johnstone, 21st February, 1688.

retreat to legal means till that time should expire. The Queen's pregnancy affected these consultations in various modes. The boldest considered it as likely to intimidate their enemies, and to afford the happiest opportunity for immediate action. A parliament might, they said, be assembled, that might either yield to the general joy at the approaching birth of a prince, or by their sullen and mutinous spirit justify the employment of more decisive measures.<sup>a</sup> The more moderate, on the other hand, thought, that if the birth of a prince were followed by more cautious policy, and if the long duration of a Catholic government were secured by the parliamentary establishment of a regency, there was a better chance than before of gaining all important objects in no very long time by the forms of law and without hazard to the public quiet. Penn desired a parliament, as the only mode of establishing toleration without subverting the laws. He laboured to persuade the King to spare the Tests, or to offer an equivalent for such parts of them as he wished to take away.<sup>b</sup> Halifax said to a friend, who argued for the equivalent, "Look at my nose, it is a very ugly one, but I would not take one five hundred times better as an equivalent, because my own is fast to my face."<sup>c</sup> He made a more serious attack on these dangerous and seductive experiments, in a masterly tract, entitled "The Anatomy of an Equivalent." A tract was published to prepare the way for what was called "a healing parliament," which, in the midst of tolerant professions and conciliatory language, chiefly attracted notice by insult and menace. In this publication, which, being licensed by Lord Sunderland<sup>d</sup>, was treated as the act of the Government, the United Provinces were reminded, that "their commonwealth was the result of an absolute rebellion, revolt, and defection, from their prince<sup>e</sup>;" and they were apprised of the respect of the King for the inviolability of their territory, by a menace thrown out to Burnet, that he "might be taken out of their country, and cut up

Parliament-  
um Pacifi-  
cum.

<sup>a</sup> Barillon.

<sup>b</sup> Johnstone, 6th February, 1688.

<sup>c</sup> Johnstone, 12th March, 1688.

<sup>d</sup> 15th February, 1688.

<sup>e</sup> Parliamentum Pacificum, 66. and 68.

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alive in England;" in imitation of a supposed example in the reign of Elizabeth<sup>a</sup>: a threat the more alarming, because it was well known that such a project had been long entertained, and that attempts had already been made for its execution. Van Citters complained of this libel in vain. The king expressed wonder and indignation, that a complaint should be made of the publication of an universally acknowledged truth; confounding the fact of resistance with the condemnation pronounced upon it by the opprobrious terms, which naturally imported and were intended to affirm that the resistance was criminal.<sup>b</sup> Another pamphlet, called "A New Test of the Church of England's Loyalty," exposed with scurrility the inconsistency of the Church's recent independence, with her long professions and solemn decrees of non-resistance; with a threat, that "His Majesty would withdraw his royal protection, which was promised upon the account of her constant fidelity." Such menaces were very serious, at a moment when D'Albyville, James's minister at the Hague, told the Prince of Orange, that "upon some occasions princes must forget their promises;" and being "reminded by William, that the King ought to have more regard to the Church of England, which was the main body of the nation," answered, "that the body called the Church of England would not have a being in two years."<sup>d</sup>

Bill for  
liberty of  
conscience.

The great charter of conscience was now drawn up, in the form of a bill, and prepared to be laid before parliament. It was entitled "An Act for granting of Liberty of Conscience, without imposing of Oaths and Tests."<sup>c</sup> The preamble thanks the King for the exercise of his dispensing power, and recognises it as legally warranting his subjects to enjoy their religion and their offices during his reign; but, in order to perpetuate his pious and Christian bounty to his people, the bill proceeds to enact, that all persons professing Christ may assemble publicly or privately, without any

<sup>a</sup> *Parliamentum Pacificum*, 57.

<sup>c</sup> *Scott's Somers' Tracts*, ix. 195.

<sup>b</sup> Barillon, 19th April, 1688.

<sup>d</sup> Burnet, iii. 207. (Oxford edit. 1823.)

licence, for the exercise of their religious worship; that all laws to the contrary against nonconformity and recusancy, exacting oaths, or declarations, or tests, or imposing disabilities or penalties of religion, shall be repealed; and more especially in order "that his Majesty may not be debarred of the service of his subjects, which by the law of nature is inseparably annexed to his person, over which no act of parliament can have any control, any further than he is pleased to allow of the same"; it takes away the oaths of allegiance and supremacy, and the tests and declarations required by the twenty-fifth and thirtieth of the late king, as qualifications to hold office, or to sit in both houses of parliament. It was, moreover, provided, that meetings for religious worship should be open and peaceable; that notice of the place of assembly should be given to a justice of peace; that no seditious sermons should be preached in them; and that in cathedral and collegiate churches, parish churches, and chapels, no persons shall officiate but such as are duly authorised according to the Act of Uniformity<sup>b</sup>, and no worship be used but what is conformable to the Book of Common Prayer therein established, for the observance of which provision,—the only concession made by the bill to the fears of the Establishment,—it was further enacted, that the penalties of the Act of Uniformity should be maintained against the contravention of that statute in the above respects. Had this bill passed into a law, and had such a law been permanently and honestly executed, Great Britain would have enjoyed the blessings of religious liberty in a degree unimagined by the statesmen of that age, and far surpassing all that she has herself gained in a century and a half of the subsequent progress of almost all Europe

\* This language seems to have been intentionally equivocal. The words "allow of the same," may in themselves mean till he gives his royal assent to the Act. But in this construction the paragraph would be an unmeaning boast, since no bill can become an act of parliament till it receives the royal assent; and, secondly, it would be inconsistent with the previous recognition of the legality of the King's exercise of the dispensing power; Charles II. having given his assent to the acts dispensed with. It must therefore be understood to declare, that acts of parliament disabling individuals from serving the public, restrain the King only till he dispenses with them.

<sup>b</sup> 14 Ch. II.

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towards tolerant principles. But such projects were examined by the nation with a view to the intention of their authors, and to the tendency of their provisions in the actual circumstances of the time and country. The practical question was, whether the intention and tendency were not to relieve the minority from intolerance, but to lessen the security of the great majority against it. The speciousness of its language, and the liberality of its enactments, in which it rivalled the boldest speculations at that time hazarded by philosophers, were so contrary to the opinions, and so far beyond the sympathy, of the multitude, that none of the great divisions of Christians could heartily adopt them, or could prudently trust each other's sincerity in holding them forth. They were regarded not as a boon, but as a snare. From the ally of Louis XIV., three years after the persecution of the Protestants, they had the appearance of an insulting mockery; though it was not then known that James had during his whole reign secretly congratulated that monarch on his barbarous measures. The general distrust of his designs arose from many circumstances, separately too small to reach posterity; but, taken together, sufficient to entitle near observers to form an estimate of his character. When he visited Amsterdam, about 1679, he declared to the magistrates of that liberal and tolerant city, that he "never was for oppressing tender consciences."<sup>a</sup> The sincerity of his tolerant professions was soon after tried when he held a parliament as lord high commissioner at Edinburgh, in 1681. He gave the first proof of it by exhorting that assembly to suppress the conventicles, or, in other words, the religious worship of the majority of the Scottish people.<sup>b</sup> It being difficult for the fiercest zealots to devise any new mode of persecution which the parliament had not already tried, he was content to give the royal assent to an act confirmatory of all those edicts of blood already in force against

<sup>a</sup> Account of James II.'s visit to Amsterdam, by William Carr, then English consul (said by mistake to be in 1681). *Gentleman's Magazine*, vol. lix. part 2. p. 659.

<sup>b</sup> Life of James II., i. 694. The words of his speech are copied from his own MS. memoirs.

the proscribed Presbyterians.<sup>a</sup> But very shortly after, when the Earl of Argyle, acting evidently from the mere dictates of conscience, added a modest and reasonable explanation to an oath required from him, which without it would have been contradictory, the lord commissioner caused that nobleman to be prosecuted for high treason, and condemned to death on account of his conscientious scruples.<sup>b</sup> To complete the evidence of his tolerant spirit, it is only necessary to quote one passage which he himself has fortunately preserved. He assures us that, in his confidential communication with his brother, he represented it as an act of "imprudence to have proposed in parliament the repeal of the thirty-fifth of Elizabeth<sup>c</sup>," a statute almost as sanguinary as those acts of the parliament of Scotland, which he exhorted them to sharpen, and sanctioned by a general ratification. The folly of believing his assurances of equal toleration was at the time evinced by an appeal to those solemn declarations of a resolution to maintain the edict of Nantz, with which Louis XIV. had accompanied every one of the encroachments on it, which opened the way for its revocation. Where a belief prevailed that a law was passed without an intention to observe it, all scrutiny of its specific provisions became needless; yet it ought to be remarked, that though it might be fair to indemnify those who acted under the dispensing power, the recognition of its legality was at least a wanton insult to the Constitution, and appeared to betray a wish to reserve that power for further and more fatal measures. The dispensation granted before to the incumbent of Battersea showed the facility with which such a prerogative might be employed to elude the whole proviso of the proposed bill in favour of the Established Church. It contained no confirmation of the King's promises to protect the endowments of the Protestant clergy.

<sup>a</sup> Acts of the Parliaments of Scotland, viii. 242.

<sup>b</sup> State Trials, viii. 843. Woodrow, i. 205: 217.; a narrative full of interest, and obviously written with a careful regard to truth. Laing iv., where the moral feelings of that upright and sagacious historian are conspicuous.

<sup>c</sup> Life of James II., ii. 656., verbatim from the King's memoirs.

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 1688. of its own execution, it would have facilitated the breach of its own most important enactments. If it had been adopted by the next parliament, another still more compliant would have found it easier, instead of more difficult, to establish the Catholic religion, and abolish toleration. This essential defect was confessed rather than obviated by the impracticable remedies, for it is recommended in a tract, entitled "A New Test<sup>a</sup>," which, for the security of the great charter of religious liberty about to be passed, proposed that every man in the kingdom shall, on obtaining the age of twenty-one, swear to observe it, that no peer or commoner should take his seat in either house of parliament till he had taken the like oath; and that all sheriffs, or others, making false returns, peers or commoners, presuming to sit in either house without taking the oath, or who shall move or mention any thing in or out of parliament that may tend to the violating or altering the liberty of conscience, shall be hanged on a gallows made out of the timber of his own house, which was for that purpose to be demolished.<sup>b</sup> It seems not to have occurred to this writer that the parliament whom he thus proposes to restrain, would begin their operations by repealing his penal laws.

Notwithstanding the preparations made for a parliament, it was not believed, by the most discerning and well-informed, that any determination was yet adopted on the subject. Lord Nottingham early thought that, in case of a general election, "few dissenters would be chosen, and that such as were, would not, *in present circumstances*, concur in the repeal of so much as the penal laws, because to do it might encourage the Papists to greater attempts."<sup>c</sup> Lord Halifax, at a later period, observes, that the moderate Catholics acted reluctantly; that the Court, finding their expectations not

<sup>a</sup> "A New Test instead of the Old One. By G. S." Licensed 24th March, 1688.

<sup>b</sup> The precedent alleged for this provision is the decree of Darius, for rebuilding the temple of Jerusalem:—"And I have made a decree that whoever shall alter this word, let timber be pulled down from his house, and being set up, let him be hanged thereon." Ezra vi. 11.

<sup>c</sup> Lord Nottingham to Prince of Orange, 2d Sept. 1687. App. Dalrymple, book 5.



answered by the Dissenters, they had thoughts of returning to their old friends the High Churchmen ; that he thought a meeting of Parliament impracticable, and continued as much an unbeliever for October, as he had before been for April.<sup>a</sup> In private he mentioned, as one of the reasons of his opinion, that some of the courtiers had declined to take up a bet for five hundred pounds, which he had offered, that the Parliament would not meet in October ; and that, though they liked him very little, they liked his money as well as any other man's.<sup>b</sup>

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The perplexities and variations of the Court were multiplied by the subtle and crooked policy of Sunderland, who, though willing to purchase his continuance in office by unbounded compliance, was yet extremely solicitous, by a succession of various projects and reasonings adapted to the circumstances of each moment, to divert the mind of James as long as possible from a Parliament, or a foreign war ; from acts of unusual severity or needless insult to the Constitution ; from any of those bold or even decisive measures, of which no man could foresee the consequences to his own power, or to the throne of his sovereign. He had gained every object of ambition : he could only lose by change, and instead of betraying James by violent counsels, he appears to have better consulted his own interest, by offering as prudent advice to that monarch as he could venture without the risk of incurring the royal displeasure. He might lose his greatness by hazarding too good counsel, and he must lose it if his master were ruined. Thus placed between two precipices, and winding his course between them, he could find safety only by sometimes approaching to one, and sometimes going nearer to the other. Another circumstance contributed to augment the seeming inconsistencies of the minister. He was sometimes tempted to deviate from his own path by the pecuniary gratifications which, after the example of Charles and James, he clandestinely received from France ; an infamous practice, in that age very prevalent among European statesmen, and regarded by many of them

Conduct of  
Sunderland.

<sup>a</sup> Lord Halifax to P. of Orange, 12th April, 1688. Ibid.

<sup>b</sup> Johnstone, 27th February, 1688.

CHAP.VIII. as little more than the receipt of the perquisites of office.<sup>a</sup> It will  
 1688. appear in the sequel that, like his master, he received French money only for doing what he otherwise desired to do, and that it rather induced him to quicken or retard, to enlarge or contract, than substantially to alter his measures. But though he was too prudent to hazard the power which produced all his emolument for a single gratuity, yet this dangerous practice must have multiplied the windings of his course. From these deviations in opposite directions, in some measure arose the fluctuating counsels and varying language of the Government of which he was the chief. The division of the Court into parties, and the variety of tempers and opinions by which he was surrounded, added new difficulties to the game which he played. It was more simple at first ; when he coalesced with the Queen and the whole Catholic party, at that time united, and professing moderation as his sole defence against Rochester, the leader of the Protestant Tories. But after the defeat of that party, and the dismissal of their chief, divisions began to show themselves among the victorious Catholics, which gradually widened as the moment of decisive action seemed to approach. It was then<sup>b</sup> that he made an effort to strengthen himself by the revival of the office of lord treasurer in his person ; a project in which he endeavoured to engage Father Petré by proposing that Jesuit to be his successor as secretary of state ; and in which he obtained the co-operation of Sir Nicholas Butler, a new convert, by suggesting that he should be Chancellor of the Exchequer. The King, however, adhered to his determination that the treasury should be in commission notwithstanding the advice of Butler, and the Queen declined to interfere in a matter where her husband appeared to be resolute. It should seem, from the account of this intrigue by James, that Petré neither discouraged Sunderland in his plan, nor

<sup>a</sup> D'Avaux *passim*. Lettres de De Witt, iv., containing the letters of De Groot (the son of Grotius) from Sweden. Ellis, History of the Iron Masque for Italian Princes.

<sup>b</sup> "A little before Christmas." Life of James II. ii. 131, 132.; passages quoted from King James's Memoirs, t. 9. p. 213. The King's own memoirs are always deserving of great consideration, and in unmixed cases of fact are, I am willing to hope, generally conclusive. The additions of (Mr. Dicconson) the anonymous compiler are often very inaccurate.

supported it by the exercise of his own ascendancy over the mind of the King. In the spring of 1688, they formed three separate and unfriendly parties, whose favour it was not easy for a minister to preserve at the same time. The Catholic nobility and gentry of England continued to the last adverse to those rash courses which honour obliged them apparently to support, but which they had always dreaded as dangerous to their sovereign and their religion. Lord Powis, Lord Bellasis, and Lord Arundel, vainly laboured to inculcate their wise maxims on the mind of James. The remains of the Spanish influence, formerly so powerful among the British Catholics, were employed by the ambassador, Don Pedro Ronquillo, in support of this respectable party. Sunderland, though he began, early after his victory over Rochester, to moderate and temper the royal measures, was afraid of displeasing his impatient master by openly supporting them. The second party, which may be called the Papal, was that of the nuncio, who, in the beginning, considered the Catholic aristocracy as too lukewarm in the cause of religion; but though he continued outwardly to countenance all domestic efforts for the advancement of the faith, became at length more hostile to the connection of James with France, than zealous for the speedy accomplishment of that Prince's ecclesiastical policy in England. To him the Queen seems to have adhered, both from devotion to Rome, and from that habitual apprehension of the displeasure of the House of Austria which an Italian princess naturally entertained towards the masters of Lombardy and Naples.\* When hostility towards Holland was more openly avowed, and when Louis XIV., no longer content with acquiescence, began to require from England the aid of armaments and threats, if not co-operation in war, Sunderland and the nuncio became more closely united, and both drew nearer to the moderate Catholics. The third division of the Catholics, known by the name

\* Le Roi à Barillon, <sup>23 May,</sup> 1688. Louis heard of this partiality from his ministers at Madrid and Vienna, and desires Barillon to insinuate to her that neither she nor her husband has any thing to hope from Spain.

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of the French or Jesuit party, supported by Ireland and the clergy, and possessing the personal favour and confidence of the King, considered all delay in the advancement of their religion as dangerous, and were devoted to France as the only ally able and willing to ensure the success of their designs. Emboldened by the pregnancy of the Queen, and by so signal a mark of favour as the introduction of Father Petré into the council,—an act of folly which the moderate Catholics would have resisted, if the secret had not been kept from them till the appointment<sup>a</sup>,—they became impatient of Sunderland's evasion and procrastination, especially of his disinclination to hostile demonstrations against Holland, which their agent, Skelton, the British minister at Paris, represented to the French Government, as “a secret opposition to all measures against the interest of the Prince of Orange<sup>b</sup>”; and though Barillon acquits the minister of such treachery<sup>c</sup>, it should seem that from that moment, he ceased to enjoy the full confidence of the French party. In the beginning of 1688, he prevailed with difficulty on the majority of the council to postpone a Parliament till they should be strengthened by the recall of the English troops from the Dutch service.<sup>d</sup> Two months after, it was proposed to call a Parliament before the delivery of the Queen, in which they would have the advantage of the expectation of a Prince of Wales. The King and the majority of the council declared for this measure; but Sunderland, conformably to his policy of delaying decisive, and perhaps irretrievable steps, resisted it at last with success, on the ground that matters were not ripe, that it required much longer time to prepare the corporation, and that, if the Nonconformists in the Parliament should prove mutinous, an opposition so

<sup>a</sup> Bar. au Roi, Fox MSS. Bonrepaux, *ibid.* The account of Petré's advancement by Dod, the church historian of the Catholics, is a specimen of the opinion entertained by the secular clergy of the regulars, but especially of the Jesuits.

<sup>b</sup> Le Roi à Barillon,  $\frac{1}{11}$  Dec. 1687.

<sup>c</sup> Barillon au Roi,  $\frac{26 \text{ Dec. } 1687.}{5 \text{ Jan. } 1688.}$

<sup>d</sup> *Id.* *ibid.* Johnst. Jan.  $\frac{6}{16}$  1688. “Sidney believes that Sunderland has prevailed, after a great struggle, to dissuade the council from a war or a parliament.”

national would render the employment of any other means more hazardous.<sup>a</sup> In March, Lord Shrewsbury communicated the disunion to the Prince of Orange.<sup>b</sup> Sunderland owed his support to the Queen, who, together with the nuncio, protected him from the attack of Father Petré, who, after a considerable period of increasing estrangement, now declared against him with violence.<sup>c</sup> In the meantime the French Government, which had hitherto affected impartiality in the divisions of the British Catholics, made advances to Petré as he receded from Sunderland. In January, he declared in council, that the King ought to be solicitous only for the friendship of France.<sup>d</sup> The King desired Barillon to convey the assurances of his high esteem for the Jesuit<sup>e</sup>, who replied with becoming gratitude; and the ambassador undertook to consider of some more efficacious proof of respect to him, agreeably to the King's commands.<sup>f</sup> Henceforward the power of Sunderland was seen to totter. It was thought that he himself even saw that he could not stand long, even by the friendship of the Queen, since the French ambassador began to trim between him and Petré, and the whole French party leant against him.<sup>g</sup> Petré, through whom he formerly had a hold on the Jesuitical party, became now a formidable rival for power, and was believed to be so infatuated by ambition as to pursue the dignity of cardinal, that he might more easily become prime minister of England.<sup>h</sup> At a later period, Barclay, the celebrated Quaker, boasted of having reconciled Sun-

<sup>a</sup> D'Adda,  $\frac{2}{12}$  Mar. 1688. Barill. in Mas. ii. 399. "Il y avaient beaucoup d'intrigues et de cabales de Cour sur cela dirigées contre my Lord Sunderland. La reine le soutient, et il a emporté."

<sup>b</sup> Shrewsbury to the Prince of Orange, 14th Mar. 1688. Dal. App. bk. v. vi.

<sup>c</sup> Van Citters,  $\frac{30 \text{ March,}}{9 \text{ April,}}$  1688.

<sup>d</sup> Barillon au Roi,  $\frac{23 \text{ Jan.}}{2 \text{ Feb.}}$  1688.

<sup>e</sup> Le Roi à Barill.  $\frac{9}{19}$  March, 1688.

<sup>f</sup> Barill. au Roi,  $\frac{19}{29}$  March, 1688.

<sup>g</sup> Johnstone, 12th March and 2d April, 1688.

<sup>h</sup> Lettre au Roi, 1 Août, 1687, in the Dépôt des Affaires Etrangères at Paris, not signed, but probably from Bonrepaux.

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derland to Melfort, which, he trusted, would be the ruin of Petré<sup>a</sup>; and Sunderland told the nuncio that he considered it as the first principle of the King's policy to frame all his measures with a view to their reception by Parliament<sup>b</sup>; a strong proof of aversion to extreme measures, to which it will be presently seen that he adhered in the discussion of the important proceedings then under consideration. A fitter opportunity will present itself hereafter for relating the circumstances in which he demanded a secret gratuity from France, in addition to his pension from that Court of 60,000 livres yearly (2500*l.*); of the skill with which Barillon beat down his demands, and made a bargain less expensive to his Government; and of the address with which Sunderland claimed the bribe for measures on which he had before determined, so that he might seem rather to have obtained it under false pretences, than to have been diverted by it from his own policy. It is impossible to trace clearly the serpentine course of an intriguing minister, whose opinions were at variance with his language, and whose craving passions often led him astray from his interest. But an attempt to discover it is necessary to the illustration of the government of James. In general, it seems to be clear that, from the beginning of 1687, he struggled in secret to moderate the measures of the Government; and that in the spring of 1688, when he carried that system to the utmost, the decay of his power became apparent. As Halifax had lost his office by liberal principles, and Sunderland had outbidden Rochester for the King's favour, so Sunderland himself was now on the eve of being overthrown by the influence of Petré, at a time when no successor of specious pretensions presented himself. He seems to have made one attempt to recover strength, by remodelling the Cabinet Council. For a considerable time the Catholic counsellors had been summoned separately, together with Sunderland himself, on all confidential affairs; while the more ordinary business only was discussed in the presence of the Protestants: thus forming two cabinets; one ostensible, the

<sup>a</sup> Clar. Diary, 23d June, 1688.

<sup>b</sup> D'Adda,  $\frac{25 \text{ May,}}{4 \text{ June,}}$  1668.

other secret. He now proposed to form them into one, in order to remove the jealousy of the Protestant counsellors, and to encourage them to promote his Majesty's designs. To this united cabinet the affairs of Scotland and Ireland were to be committed, which had been separately administered before with manifest disadvantage to uniformity and good order. Foreign affairs, and others requiring the greatest secrecy, were still to be reserved to a smaller number. The public pretences for this change were specious; but the object was to curb the power of Petré, who now ruled without control in a secret cabal of his own communion and selection.<sup>a</sup>

The party which had now the undisputed ascendant was denominated Jesuits, as a term of reproach, by the enemies of that famous society in the Church of Rome, as well as among the Protestant communions. A short account of their origin and character may facilitate a faint conception of the admiration, jealousy, fear, and hatred, the profound submission or fierce resistance, which that formidable name once inspired. Their institution originated in pure zeal for religion, glowing in the breast of Loyola, a Spanish soldier; a man full of imagination and sensibility, in a country where wars, rather civil than foreign, waged against unbelievers for ages, had rendered a passion for spreading the Catholic faith a national point of honour, and blended it with the pursuit of glory as well as with the memory of past renown. The legislative forethought of his successors gave form and order to the product of enthusiasm, and bestowed laws and institutions on their society which were admirably fitted to its various ends.<sup>b</sup>

<sup>a</sup> D'Adda,  $\frac{13}{23}$  April, 1688.

<sup>b</sup> Larnier and Aquaviva. Originally consisting of seven men: it possessed, at the end of the sixteenth century, 1500 colleges, and contained 22,000 avowed members. Parts of their constitution were allowed\* to be kept and to be altered, without the privity of the Pope himself. The simple institution of lay brethren, who, in orders, were the servants of the community, being in the hands of the Jesuits, combined with the privilege of secrecy, afforded the means of enlisting in their society powerful individuals, among whom Louis XIV. and James II. are generally numbered.

\* By Paul III. Mull. Allg. Book xix. c. 4.

CHAP. VIII. <sup>1688.</sup> Having arisen in the age of the Reformation, they naturally became the champions of the Church against her new enemies. Being established in the period of the revival of letters, instead of following the example of the unlettered monks, who decried knowledge as the mother of heresy, they joined in the general movement of mankind; they cultivated polite literature with splendid success; they were the earliest and, perhaps, most extensive reformers of European education, which, in their schools, made a larger stride than it has at any succeeding moment<sup>a</sup>; and, by the just reputation of their learning, as well as by the weapons with which it armed them, they were enabled to carry on a vigorous contest against the most learned impugners of the authority of the Church. Peculiarly subjected to the see of Rome by their constitution, they became ardently devoted to its highest pretensions, in order to maintain a monarchical power, of which they felt the necessity for concert, discipline, and energy in their theological warfare.

While the nations of the Spanish peninsula hastened with barbaric chivalry to spread religion by the sword in the newly explored regions of the East and the West, the Jesuits alone, the great missionaries of that age, either repaired or atoned for the evils caused by the misguided zeal of their countrymen. In India, they suffered martyrdom with heroic constancy.<sup>b</sup> They penetrated through the barrier which Chinese policy opposed to the entrance of strangers; they cultivated the most difficult of languages with

<sup>a</sup> "For education," says Bacon, within fifty years of the institution of the order, "consult the schools of the Jesuits. Nothing hitherto tried in practice surpasses them." *De Augment. Scient. lib. vi. c. 4.*

"Education—that excellent part of ancient discipline, has been, in some sorts, revived of late times in the colleges of the Jesuits, of whom, in regard of this and of some other points of human learning and moral matters, I may say, "*Talis cum sis utinam noster esses.*" *Advancement of Learning, book i.*

Such is the disinterested testimony of the wisest of men to the merit of the Jesuits, to the unspeakable importance of reforming education, and to the infatuation of those who, in civilized nations, attempt to resist new opinions by mere power, without calling in aid such a show of reason, if not the whole substance of reason, as cannot be maintained without a part of the substance.

<sup>b</sup> *Lettres Edifiantes et Curieuses.*



such success as to compose hundreds of volumes in it ; and, by the public utility of their scientific acquirements, they obtained toleration, patronage, and personal honours, from that jealous government : and the natives of America, who generally felt the superiority of the European race only in a more rapid or a more gradual destruction, and to whom even the excellent Quakers dealt out little more than penurious justice, were, under the paternal rule of the Jesuits, reclaimed from savage manners, and instructed in the arts and duties of civil life. At the opposite point of society they were fitted by their release from conventual life, and their allowed intercourse with the world, for the perilous office of secretly guiding the conscience of princes. They maintain the highest station as a religious body in the literature of Catholic countries. No other association ever sent forth so many disciples who reached such eminence in departments so various and unlike. While some of their number ruled the royal penitents at Versailles or the Escorial, others were teaching the use of the spade and the shuttle to the naked savages of Paraguay ; a third body daily endangered their lives in an attempt to convert the Hindoos to Christianity ; a fourth carried on the controversy against the Reformers ; a portion were at liberty to cultivate polite literature, and the greater part continued to be employed either in carrying on the education of Catholic Europe, of which they were the first improvers, or in the government of their society, in ascertaining the ability and disposition of the junior members, so that well-qualified men might be selected for the extraordinary variety of offices in their immense commonwealth. The most famous constitutionalists, the most skilful casuists, the ablest schoolmasters, the most celebrated professors, the best teachers of the humblest mechanical arts, the missionaries who could most bravely encounter martyrdom, or who with most patient skill could infuse the rudiments of religion into the minds of ignorant tribes or prejudiced nations, were the growth of their fertile schools. The prosperous administration of such a society for two centuries, is probably the strongest proof afforded from authentic history that an artificially-formed system

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of government and education is capable, under some circumstances, of accomplishing greater things than the general experience of it would warrant us in expecting from it. Even here, however, the materials were supplied, and the first impulse given by enthusiasm ; and in this memorable instance the defects of such a system are discoverable. The whole ability of the members being constantly exclusively and intensely directed to the various purposes of the order, the mind of the Jesuits had not the leisure or liberty necessary for works of genius, or even for discoveries in science, to say nothing of original speculations in philosophy, which are interdicted by implicit faith. That great society, which covered the world for two hundred years, has no names which can be opposed to those of Pascal and Racine, produced by the single community of Port Royal, which was in a state of persecution during the greater part of its short existence. But this remarkable peculiarity amounts perhaps to little more than that they were more eminent in active than in contemplative life. A far more serious objection is the manifest tendency of such a system, while it produces the precise excellences aimed at by its mode of cultivation, to raise up all the neighbouring evils with a certainty and abundance, a size and malignity unknown to the freer growth of nature. The mind is narrowed by the constant concentration of the understanding ; those who are habitually intent on one object learn at last to pursue it at the expense of others equally or more important. The Jesuits, the reformers of education, sought to engross it, as well as to stop it at their own point. Placed in the front of the battle against the Protestants, they caught a more than ordinary portion of that theological hatred against their opponents which so naturally springs up where the greatness of the community, the fame of the controversialist, and the salvation of mankind seem to be at stake. Affecting more independence in their missions than other religious orders, they were the formidable enemies of episcopal jurisdiction, and thus armed against themselves the secular clergy, especially in Great Britain, where they were the chief missionaries. Entrusted with the irresponsible guidance of kings,

they were too often betrayed into a compliant morality ; excused probably to themselves, by the great public benefits which they might thus obtain by the numerous temptations which seemed to palliate royal vices, and by the real difficulties of determining, in many instances, whether there was more danger of deterring such persons from virtue by unreasonable austerity, or of alluring them into vice by unbecoming relaxation. This difficulty is indeed so great, that casuistry has, in general, vibrated between these extremes, rather than rested near the centre. To exalt the papal power they revived the scholastic doctrine<sup>a</sup> of the popular origin of government, that rulers might be subject to the people, while the people themselves, on all questions so difficult as those which relate to the limits of obedience, were to listen with reverential submission to the judgment of the sovereign Pontiff, the common pastor of sovereigns and subjects, the unerring oracle of humble Christians in all cases of perplexed conscience.<sup>b</sup> The ancient practice of excommunication, which, in its original principle, was no more than the expulsion from a community of an individual who did not observe its rules, being stretched so far as to interdict intercourse with offenders, and, by consequence, to suspend duty towards them, became, in the middle age, the means of absolving nations from obedience to excommunicated sovereigns.<sup>c</sup> Under these specious colours both Popes and councils had been guilty of alarming encroachments on the civil authority. The church had indeed never solemnly adopted the principle of these usurpations into her rule of faith or of life, though many famous doctors gave them a dangerous continuance. She had not condemned or even

<sup>a</sup> Mariana de Rege et Regis Institutione (sive, mutato titulo, Interfectione), as his enemies suggested. It is true that Mariana only contends for the right of the people to depose sovereigns, without building the authority of the Pope on that principle, as the schoolmen have expressly done ; but his manifest approbation of the assassination of Henry III. by Clement, a fanatical partizan of the league, sufficiently discloses his purpose.

<sup>b</sup> La Mennais, *La Religion considérée dans ses Rapports avec l'Ordre politique*. Paris, 1826.

<sup>c</sup> Fleury, *Discours sur l'Histoire Ecclésiastique* ; “ On doit éviter les excommuniés, n'avoir aucun commerce avec eux. Donc un Prince excommunié doit être évité de tout le monde. Il n'est plus permis de recevoir ses ordres.” Disc. iii. s. 18.

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disavowed those equally celebrated divines who resisted them, and though the Court of Rome undoubtedly patronised opinions so favourable to its power, the Catholic church, which had never pronounced a collective judgment on them, was still at liberty to disclaim them, without abandoning her haughty claim of exemption from fundamental error.<sup>a</sup> On the Jesuits, as the most staunch of the polemics<sup>b</sup> who struggled to exalt the church above the state, and who ascribed to the Supreme Pontiff an absolute power over the church, the odium of these doctrines principally fell. Among reformed nations, and especially in Great Britain, the greatest of them, the whole order was regarded as incendiaries perpetually plotting the overthrow of Protestant Governments, and as immoral sophists who employed their subtle casuistry to silence the remains of conscience in tyrants of their own persuasion. Nor was the detestation of Protestants rewarded by general popularity in Catholic countries. All other regulars envied their greatness; the universities dreaded their acquiring a monopoly of education. Monarchs, the most zealously Catholic, though they often favoured individual Jesuits, often also looked with fear and hatred on a society who would reduce them to the condition of vassals of the priesthood; and in France, the magistrates, who preserved their integrity and dignity in the midst of general servility, maintained a more constant conflict with these formidable adversaries of the independence of the state and the church. The kings of Spain and Portugal envied their well-earned authority, in the missions of Paraguay and California, over districts which they had conquered from the wilderness. The impenetrable mystery in which a part of their constitution was enveloped, though it strengthened their association, and secured the obedience of its members, was an irresistible temptation to abuse power, and

<sup>a</sup> "Il est vrai que Gregoire VII. n'a jamais fait aucune décision sur ce point. *Dieu ne l'a pas permis.*" Id. *ibid.* It is evident that if such a determination had, in Fleury's opinion, subsequently been pronounced by the church, the last words of this passage would have been unreasonable.

<sup>b</sup> Bayle, in the article Bellarmine, who is said by that unsuspected judge to have had the best pen for controversy of any man of that age.

justified the apprehensions of temporal sovereigns, while it opened an unbounded scope for heinous accusations. Even in the eighteenth century, when many of their peculiarities had become faint, and they were perhaps little more than the most accomplished, opulent, and powerful of religious orders, they were charged<sup>a</sup> with spreading secret confraternities over France. Their greatness became early so invidious as to be an obstacle to the advancement of their members; and it was generally believed that if Bellarmine had belonged to any other than the most powerful order in Christendom, he would have been raised to the chair of Peter.<sup>b</sup> The Court of Rome itself, for whom they had sacrificed all, dreaded auxiliaries who were so potent that they might easily become masters. These champions of the Papal monarchy were regarded with jealousy by Popes whose policy they aspired to dictate or control. Temporary circumstances at this time created a more than ordinary alienation between the Jesuits and the Roman Court. They, in their original character of a force raised for the defence of the church against the Lutherans, always devoted themselves to the temporal sovereign who was at the head of the Catholic party; they were attached to Philip II., at the time when Sextus V. dreaded his success; and they now placed their hopes on Louis XIV., in spite of his patronage, for a time, of the independent maxims of the Gallican church.<sup>c</sup> On the other hand, Odeschalchi, who governed the church under the name of Innocent XI., feared the growing power of France, resented the independence of the Gallican church, and was, to the last degree, exasperated by the insults offered to him in his capital by the command of Louis. He was born in the Spanish province of Lombardy, and, as an Italian sovereign, he could not be indifferent to the bombardment of

<sup>a</sup> Montlosier, *Mémoire à Consulter*, 20. 22. Paris, 1826; quoted only to prove that such accusations were made.

<sup>b</sup> Bayle in Bellarmine.

<sup>c</sup> Bayle, *Nouvelles de la République des Lettres*, April, 1686. "Aujourd'hui plus attachés à la France qu'à l'Espagne." *Ib.* Nov. 1686; and they are charged with giving secret intelligence to Louis XIV. of the state of the Spanish Netherlands. The French Jesuits suspended for a year the execution of the Pope's order to remove Father Maimbourg from their society, in consequence of a direction from the King.

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Genoa, and to the humiliation of that respectable republic, by requiring a public submission from the Doge at Versailles. As soon then as James became the pensioner and creature of Louis, the resentments of Odeschalchi prevailed over his zeal for the extension of the church.

The Jesuits had treated himself and those of his predecessors who hesitated between them and their opponents with offensive liberty.<sup>a</sup> While they bore sway at Versailles and St. James's, they were, on that account, less obnoxious to the Roman Court. Men of wit remarked at Paris, that things would never go well till the Pope became a Catholic, and King James a Huguenot.<sup>b</sup> Such were the intricate and dark combinations of opinions, passions, and interests which placed the nuncio in opposition to the most potent order of the church, and completed the alienation of the British nation from James, by bringing on the party which now ruled his councils the odious and terrible name of Jesuits.

<sup>a</sup> Bayle, Nouv., Oct. and Nov. 1686.

<sup>b</sup> " Et tout le parti Protestant,  
Du Saint Père en vain très content,  
Le chevalier de Sillery,  
En parlant de ce Pape ci,  
Souhaitoit pour la paix publique,  
Qu'il se fut rendu catholique,  
Et le roi Jacque Huguenot."

LA FONTAINE.

Racine expresses the same sentiments in a milder form :—

" Et l'enfer couvrant tout de ses vapeurs funèbres,  
Sur les yeux les plus saints a jetté les ténèbres."

PROLOGUE D'ESTHER.

## CHAP. IX.

DECLARATION OF INDULGENCE RENEWED.—ORDER THAT IT SHOULD BE READ IN CHURCHES.—DELIBERATIONS OF THE CLERGY.—PETITION OF THE BISHOPS TO THE KING.—THEIR EXAMINATION BEFORE THE PRIVY COUNCIL, COMMITTAL, TRIAL, AND ACQUITTAL.—REFLECTIONS.—CONVERSION OF SUNDERLAND.—BIRTH OF THE PRINCE OF WALES.—STATE OF AFFAIRS.

WHEN the changes in the secret councils of the King had rendered them most irreconcilable to the national sentiments, and when the general discontent produced by progressive encroachment had quietly grown into disaffection, nothing was wanting to the least unfortunate result of such an alienation, but that an infatuated government should exhibit to the public thus disposed one of those tragic spectacles of justice violated, of religion menaced, of innocence oppressed, of unarmed dignity outraged, with all the conspicuous solemnities of abused law, in the persons of men of exalted rank and venerated functions, who encounter wrongs and indignities with mild intrepidity. Such scenes, performed before a whole nation, revealed to each man the hidden thoughts of his fellow citizens; add the warmth of personal feeling to the strength of public principle, animated patriotism by the pity and indignation which the sufferings of good men call forth, and warm every heart by the reflection of the same passions from the hearts of thousands; until at length the enthusiasm of a nation, springing up in the bosoms of the generous and brave, breathed a momentary spirit into the most vulgar souls, and drags into its service the herd of the selfish, the cold, the mean, and the cowardly. The combustibles were accumulated; a spark was only wanting to kindle the flame. Accidents in themselves trivial, seem on this occasion, as in other times and countries, to have filled up the

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Declaration  
of indulgence  
renewed.

measure of provocation. In such a government as that of James, formed of adverse parties, more intent on weakening or supplanting each other than on securing the common foundation; every measure was too much estimated by its bearing on these unavowed objects, to allow a calm consideration of its effect on the interest or even on the temper of the public. On the 27th of April, the King republished his declaration of the former year for liberty of conscience<sup>a</sup>: a measure apparently insignificant<sup>b</sup>; which was probably proposed by Sunderland, to indulge his master in a harmless show of firmness, which might divert him from rasher councils.<sup>c</sup> To this declaration a supplement was annexed, declaring, that the King was confirmed in his purpose by the numerous addresses which assured him of the national concurrence; that he had removed all civil and military officers who had refused to co-operate with him; and that he trusted that the people would do their part, by the choice of fit members to serve in parliament, which he was resolved to assemble in November "at farthest." This last, and only important part of the proclamation, was promoted by the contending parties in the cabinet with opposite intentions. The moderate Catholics, and Penn, whose fault was only an unseasonable zeal for a noble principle, desired a parliament from a hope, that if the convocation were not too long delayed, it might produce a compromise, in which the King might for the time be contented with an universal toleration of worship. The Jesuitical party desired a parliament also; but it was because they hoped that it would produce a final rupture, and a recurrence to those more vigorous means which the age of the King now required, and of which the expected birth of a Prince of Wales would warrant the safety.<sup>d</sup> Sunderland acquiesced in the insertion of this pledge, because he

<sup>a</sup> London Gazette, 26th—30th April, 1688.

<sup>b</sup> "The declaration, so long spoken of, is published. As nothing is said more than last year, politicians cannot understand the reason of so ill-timed a measure." Van Citters,  $\frac{1}{11}$  May. (Secret Dispatch.)

<sup>c</sup> Barillon,  $\frac{25 \text{ April}}{6 \text{ May}}$ .

<sup>d</sup> Burnet, iii. 211.



hoped to keep the violent in check by the fear of the parliament, and partly, also, because he by no means had determined to redeem the pledge. "This language is held," said he to Barillon (who was alarmed at the sound of a parliament,) "rather to show, that parliament will not meet for six months, than that it will be then assembled, which must depend on the public temper at that time."<sup>a</sup> For so far, it seems, did this ingenious statesman carry his system of liberal interpretation, as to employ words in the directly opposite sense to that in which they were understood, and to say that November should be the latest time for the meeting of parliament, when he meant that it should be the earliest. So jarring were the motives from which this Declaration proceeded, and so opposite the constructions of which its authors represented it to be capable. Had no other step, however, been taken but the publication, it is not probable that it would have been attended by serious consequences. But in a week after, an order was made by the King in council, commanding the Declaration to be read at the usual time of divine service, in all the churches in London on the 20th and 27th of May, and in all those in the country on the 3rd and 10th of June.<sup>b</sup> Who was the adviser of this order, which has acquired such importance from its immediate effects, has not yet been ascertained. It was publicly disclaimed by Sunderland<sup>c</sup>; but at a time which would have left no value to his declaration, but what it might derive from being uncontradicted, and agreeable to the general tenor of his policy. It now appears, however, that he and other counsellors disavowed it at the time; and they seem to have been believed by keen and watchful observers.<sup>d</sup> Though it was then rumoured that Petre had also disavowed this fatal advice, the concurrent testimony of all contemporary historians ascribe it

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Order that it  
should be  
read in  
churches.

<sup>a</sup> Barillon,  $\frac{3}{13}$  May.

<sup>b</sup> Order issued 4th May, 1688. Lond. Gaz. 3d—7th May, 1688.

<sup>c</sup> Letter from the Hague, 28th Mar. 1689.

<sup>d</sup> Johnstone, 23d May, 1688. "Sunderland, Melfort, Penn, and, *they say*, Petre, deny having advised this Declaration;" but Van Citters,  $\frac{4 \text{ June,}}{25 \text{ May,}}$  says that Petre is believed to have advised the order.

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to him, and it accords well with the policy of that party, which received in some degree from his ascendant over them the unpopular appellation of Jesuits. It must be owned, indeed, that it is one of the numerous cases in which the evil effects of an imprudent measure proved far greater than any foresight could have apprehended. There was considerable reason for expecting submission from the Church. The clergy had very recently obeyed a similar order in two obnoxious instances. In compliance with an order made in council by Charles II., officiously suggested to him, it is said, by Sancroft himself<sup>a</sup>, they read from their pulpits that prince's apology for the dissolution of his two last parliaments; severally arraigning various parliamentary proceedings, amongst which was a resolution of the House of Commons against the persecution of the Protestant Dissenters.<sup>b</sup> The compliance of the clergy on this occasion was cheerful, though they gave offence by it to many of the people.<sup>c</sup> Now, this seemed to be an open interference of the ecclesiastical order in the fiercest contests of political parties, which the duty of undistinguishing obedience alone could warrant.<sup>d</sup> The same principle appeared still more necessary to justify their reading the declaration of Charles on the Rye House Plot<sup>e</sup>, published within a week of the death of Lord Russell, where it was indecent for the ministers of religion to promulgate their approval of bloodshed, and unjust to inflame prejudice against those who remained to be tried. This declaration was immediately preceded by the famous decree of the university of Oxford, and followed by a persecution of Nonconformists, on whom it reflected as the authors of the supposed conspiracy.<sup>f</sup> These examples of compliance appeared to be grounded on the un-

<sup>a</sup> Burnet, iii. 212.

<sup>b</sup> London Gazette, 7th—11th April, 1681.

<sup>c</sup> Kennett, iii. 388. Echard, iii. 625.

<sup>d</sup> It was accompanied by a letter from the King to Sancroft, which seems to imply a previous usage in such cases. "Our will is, that you give such directions as have been usual in such cases for the reading of our said Declaration." Kennett, iii. 388. Note from Lambeth MSS. D'Oyley's Sancroft, i. 253. "Now," says Ralph, "the cry of Church and King was echoed from one side of the kingdom to the other." Ralph, i. 590. Immediately after began the periodical libels of L'Estrange, and the invectives against parliament, under the form of loyal addresses.

<sup>e</sup> Lond. Gaz. 2d—6th August, 1683. Kennett, iii. 408. Echard, iii. 695.

<sup>f</sup> This fact is reluctantly admitted by Roger North. Examin. 369.

defined authority claimed by the King, as supreme ordinary, on judicial determinations, which recognised his right in that character to make ordinaries for the outward rule of the church<sup>a</sup>, and by the Rubric of the Book of Common Prayer, (declared, by the Act of Uniformity<sup>b</sup> to be a part of that statute), which directs, "that nothing shall be published in church by the minister, but what is prescribed by this book, or enjoined by the King." These reasonings and examples were at least sufficient to excuse the confidence with which some of the royal advisers anticipated the obedience either of the whole church, or of so large a majority as to make it safe and easy to punish the disobedient. A variation from the precedents of a seemingly slight and formal nature seems to have had some effect on the success of the measure. The bishops were now, for the first time, commanded by the order published in the Gazette to distribute the Declaration in their dioceses, in order to be read by the clergy. Whether the insertion of this unusual clause was casual, or intended to humble the bishops, it is now difficult to conjecture. It was naturally received and represented in the most offensive sense.<sup>c</sup> It fixed the eyes of the whole nation on the prelates. It rendered the conduct of their clergy visibly dependent solely on their determination, and thus concentrated, on a small number, the dishonour of submission which would have been lost by dispersion among the whole body. So strongly did the belief that insult was intended prevail, that Petre, to whom it was chiefly ascribed, was said to have declared it in the gross and contumelious language used of old, by a barbarous invader, to the deputies of a besieged city.<sup>d</sup> But though the menace be imputed to him by most of his contemporaries, yet, as they were all his

<sup>a</sup> Cro. Jac. 37. Moor. 735.

<sup>b</sup> 14 Car. II. chap. 4.

<sup>c</sup> Van Citters, 15th—25th May. One of the objections was, that the order was not transmitted in the usual and less ostentatious manner, through the Primate, as in 1681.

<sup>d</sup> "That they should eat their own dung," the words of Rabshekah, the Assyrian general, to the officers of Hezekiah, king of Judah. 2 Kings, xviii.

<sup>e</sup> Burnet, Kennett, Echard, Oldmixon, Ralph; and the earliest printed statement of this threat is probably in a pamphlet, called, "An Answer from a Country Clergyman to the Letter of his Brother in the City" (Dr. Sherlock), which must have been published in June, 1688. Baldwin's Farther State Tracts, 314. Lond. 1692.

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enemies, and as no ear-witness is quoted, we must be content to be doubtful whether he uttered the offensive words, or was only so generally imprudent as to make it easily believed that they were spoken by him. The first effect of this order was to place the prelates who were then in the capital or the neighbourhood in a situation of no small perplexity. They were not forewarned of the blow by the Declaration. They must have been still more taken by surprise than the moderate ministers, and, in that age of slow conveyance and rare publication, they were allowed only sixteen days from the order, and thirteen from its official publication<sup>a</sup>, to ascertain the sentiments of their brethren and of their clergy, without the knowledge of which their determination, whatever it was, might promote that division which it was one of the main objects of their enemies, by this measure, to excite. Resistance could be formidable only if it were general. It is one of the severest tests of human sagacity to call for instantaneous judgment from a few leaders when they have not support enough to be assured of the majority of their adherents; and had the bishops taken a single step without concert, they would have been assailed by charges of a pretension to dictatorship, equally likely to provoke the proud to desertion, and to furnish the cowardly with a pretext for it. Their difficulties were increased by the character of the most distinguished laymen whom it was fit to consult. Rochester was no longer trusted. Clarendon was zealous, but of small judgment. Both Nottingham, the chief of their party, and Halifax, with whom they were now compelled to coalesce, hesitated at the moment of decision.<sup>b</sup> The first body whose judgment was to be ascertained was the clergy of London, among whom were, at that time, the lights and ornaments of the Church. They at first ventured only to converse and correspond privately with each other.<sup>c</sup> A meeting

<sup>a</sup> London Gaz., published on 7th April.

<sup>b</sup> "Halifax and Nottingham wavered at first, which had almost ruined the business." Johnstone, 27th May.

<sup>c</sup> Van Citters, <sup>18</sup>/<sub>28</sub> May. (Secret Despatch.)

became necessary, and was hazarded. A diversity of opinions prevailed. It was urged on one side that a refusal was inconsistent with the professions and practice of the Church; that it would provoke the King to desperate extremities, expose the country to civil confusions, and be represented to the Dissenters as a proof of the incorrigible intolerance of the establishment: that the reading of a proclamation implied no assent to its contents, and that it would be presumption in the clergy to pronounce a judgment against the legality of the dispensing power, which the competent tribunal had already adjudged to be lawful. Those of better spirit answered, or might have answered, that the danger of former examples of obsequiousness was now so visible that they were to be considered as warnings rather than precedents; that compliance would bring on them command after command, till at last another religion was established; that the reading, unnecessary for the purpose of publication, would be understood as an approval of the Declaration by the contrivers of the order, and by the body of the people; that the parliamentary condemnations of the dispensing power were a sufficient reason to excuse them from a doubtful and hazardous act; that neither conscience nor the more worldly principle of honour would suffer them to dig the grave of the Protestant church, and to desert the cause of the nobility, the gentry, and the whole nation. Finally, that in the most unfavourable event, it was better to fall then under the King's displeasure, but supported by the consolation of having fearlessly performed their duty, than to fall a little later unpitied and despised, amidst the curses of the people whom they had ruined by their compliance. From such a fall they would rise no more.\* One of those middle courses was suggested which is very apt to captivate a perplexed assembly. It was proposed to gain time, and smooth a way to compromise, by entreating the King to revert to the ancient methods of communicating his commands to the Church. The

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Deliberations of the clergy.

\* Sherlock's "Letter from a Gentleman in the City to a Friend in the Country." Baldwin's Farther State Tracts, 309.

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majority appeared at first to lean towards submission or evasion, which was only disguised and deferred submission. Happily, a decisive answer was produced to the most plausible argument of the compliant party. Some of the chief ministers and laymen among the Nonconformists earnestly besought the clergy not to judge them by a handful of their number who had been gained by the Court; but to be assured that, instead of being alienated from the Church, they would be drawn closer to her, by her making a stand for religion and liberty.<sup>a</sup> A clergyman present read a note of these generous declarations, which he was authorised by the Nonconformists to exhibit to the meeting. The independent portion of the clergy made up, by zeal and activity, for their inferiority in numbers. Fatal concession, however, seemed to be at hand, when the spirit of an individual, manifested at a critical moment, contributed to rescue his order from disgrace, and his country from slavery. This person, whose fortunate virtue has hitherto remained unknown, was Dr. Edward Fowler, then incumbent of a parish in London, who, originally bred a dissenter, had been slow to conform at the Restoration, was accused of the crime of whiggism<sup>b</sup> at so dangerous a period as that of Monmouth's riot; and, having been promoted to the see of Gloucester, combined so much charity with his unsuspected orthodoxy as to receive the last breath of Firmin, the most celebrated Unitarian of that period.<sup>c</sup> When he perceived that the courage of his brethren faltered, he addressed them shortly: "I must be plain. There has been argument enough. More only will heat us. Let every man now say Yea or Nay. I shall be sorry to give occasion to schism, but I cannot in conscience read the Declaration; for that reading would be an exhortation to my people to obey commands which I deem unlawful." Stillingfleet declared, on the authority of lawyers, that reading the Declaration would be an offence, as the publication of an unlawful document. He excused himself from being the first subscriber to an agreement not to comply, on the ground that he was already pro-

<sup>a</sup> Johnstone, 18th May.<sup>c</sup> Birch, Life of Tillotson, 320.<sup>b</sup> Athen. Oxon., ii. 1029.

scribed for the prominent part which he had taken in the controversy against the Romanists. Patrick offered to be the first, if any man would second him, and Fowler answered to the appeal which his own generosity had called forth.<sup>a</sup> They were supported by Tillotson, though only recovering from an attack of apoplexy, and by Sherlock, who then atoned for the slavish doctrines of former times. The opposite party were subdued by this firmness, and declared that they would not divide the Church.<sup>b</sup> The sentiments of more than fourscore of the London clergy<sup>c</sup> were made known to the metropolitan; and at a meeting at Lambeth, on Saturday, the 12th of May, where there were present, besides Sancroft himself, only the Earl of Clarendon, three bishops, Compton, Turner, and White, together with Tennyson, it was resolved not to read the Declaration; to petition the King that he would dispense with that act of obedience, and to entreat all the prelates within reach of London, to repair thither to the aid of their brethren.<sup>d</sup> It was fit to wait a short time for the concurrence of these absent bishops. Lloyd of St. Asaph, late of Chichester, Kenn of Bath and Wells, and Trelawney, quickly complied with the summons; and were present at another and more decisive meeting at the archiepiscopal palace on Friday, the eighteenth of the same month, where, with the assent of Tillotson, Stillingfleet, Patrick, Tennyson, Grove, and Sherlock, it was resolved, that a petition, prepared and written by Sancroft, should be forthwith presented to His Majesty. It is a calumny against the memory of these prelates to assert, that they postponed their determination till within two days of the Sunday appointed for reading the Declaration, in order to deprive the King of time to retire from his purpose with dignity or decency; for we have seen that the period since the publication of the order was fully occupied by measures for concert and co-operation, and it would have been treachery to the Church and the

Petition to  
the King.

<sup>a</sup> Kennett, iii. 570., note. This narrative reconciles Johnstone, Van Citters, and Kennett.

<sup>b</sup> Johnstone, 29d May.

<sup>c</sup> This victory was early communicated to the Dutch ambassador. Van. Citt.  $\frac{15}{25}$  May.

<sup>d</sup> Clarendon. Diary, 12th May.

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kingdom to have sacrificed any portion of time so employed for the relief of their most formidable enemy.<sup>a</sup> The petition, after setting forth, that "their averseness to read the King's Declaration arose neither from want of the duty and obedience which the Church of England had always practised, nor from want of tenderness to Dissenters, to whom they were willing to come to such a temper as might be thought fit in parliament and convocation, but because it is founded in a dispensing power declared illegal in parliament; and that they could not in prudence or conscience make themselves so far parties to it as the publication of it in the Church at the time of divine service must amount to in common and reasonable construction," concludes, by "humbly and earnestly beseeching his Majesty not to insist on their distributing and reading the said Declaration." It is easy to observe the skill with which the petition distinguished the case from the two recent examples of submission, in which the royal declarations, however objectionable, contained no matter of questionable legality. Compton, being suspended, did not subscribe the petition; Sancroft, having had the honour to be forbidden the Court nearly two years, took no part in presenting it. It was not thought proper that the private divines, who were the most distinguished members of the meeting, should attend the presentation. That there might be no needless delay, six bishops proceeded to Whitehall about ten o'clock in the evening,—no unusual hour of audience at the accessible courts of Charles and James. They were remarked, as they came from the landing-place, by the watchful eyes of the

<sup>a</sup> Life of James II., ii. 158. But this is the statement, not of the King, but of Mr. Dicconson the compiler, who might have been misled by the angry traditions of his exiled friends. A week is added to the delay, by referring the commencement of it to the Declaration of the 27th of April, instead of the order of the 4th of May, which alone called on the bishops to deliberate. The same suppression is practised, and the same calumny insinuated, in "An Answer to the Bishops' Petition," published at the time. Somers' Tracts, ix. 119. In the extract made, either by Carte or Macpherson, an insinuation against the bishops is substituted for the bold charge made by Dicconson. "The bishops' petition on the 18th of May, against what they are to read on the 20th." (Macph. Original Papers, i. 151.) But as throughout that inaccurate publication no distinction is made between what was written by James and what was added by his biographer, the disgrace of the calumnious insinuation is unjustly thrown on the King's memory.



Dutch ambassador<sup>a</sup>, who was not uninformed of their errand. They stopped at the house of Lord Dartmouth, till Lloyd of St. Asaph, the boldest of their number, should ascertain when and where the King would receive them. He requested Lord Sunderland to read the petition, and to acquaint the King with its contents, that his Majesty might not be surprised at it. The wary minister declined, but informed the King of the attendance of the bishops, who were introduced into the bedchamber.<sup>b</sup> When they had knelt down before the monarch, St. Asaph presented the petition, purporting to be that “of the Archbishop of Canterbury, with divers suffragan bishops of his province, in behalf of themselves and several of their absent brethren, and of the clergy of their respective dioceses.” The King, having been told by the Bishop of Chester, that they would desire no more than a recurrence to the former practice of sending declarations to chancellors and archdeacons<sup>c</sup>, desired them to rise, received them at first graciously, and on opening the petition, said, “This is my Lord of Canterbury’s handwriting;” but when he read it over, and after he had folded it up, he spoke to them in another tone.<sup>d</sup> “This is a great surprise to me. Here are strange words. I did not expect this from you. This is a standard of rebellion.” St. Asaph replied, “We have adventured our lives for your Majesty, and would lose the last drop of our blood rather than lift up a finger against you.” The King. — “I tell you this is a standard of rebellion. I never saw such an address.” Trelawney of Bristol, falling again on his knees, said, “Rebellion, Sir! I beseech your Majesty

<sup>a</sup> Van Citters,  $\frac{18}{28}$  May.

<sup>b</sup> Original Narrative in Sancr. MSS., published by Gutch, Collect. Curios. i. 335. 1 Hen. E. of Clar. State Papers, 287., and D’Oyley’s Sancroft, i. 263.

<sup>c</sup> Burnet, iii. 216.

<sup>d</sup> “S. M. rispose loro con ardezza.” D’Adda,  $\frac{20}{30}$  May; or, as the same circumstance was viewed by another through a different medium, — “The King answered very disdainfully, and with the utmost anger.” Van. Citt.  $\frac{22 \text{ May}}{1 \text{ June}}$ . The mild Evelyn says, “the King was so incensed, that, with threatening language, he commanded them to obey at their peril.” Diary, 18th May.

CHAP. IX. not to say any thing so hard of us. For God's sake, do not believe  
 1688. we are or can be guilty of rebellion." It deserves remark, that the two who uttered these loud and vehement protestations were the only prelates present who were conscious of having harboured projects of more decisive resistance. The Bishops of Chichester and Ely made professions of unshaken loyalty, which they afterwards exemplified. The Bishop of Bath and Wells pathetically and justly said, "Sir, I hope you will give that liberty to us, which you allow to all mankind." He piously added, "We will honour the King, but fear God." James answered at various times, "It tends to rebellion. Is this what I have deserved from the Church of England? I will remember you who have signed this paper. I will keep this paper. I will not part with it. I did not expect this from you, especially from some of you. I will be obeyed." Ken, in the spirit of a martyr, answered only with a humble voice, "God's will be done." The angry monarch called out, "What's that?" The bishop, and one of his brethren, repeated what had been said. James dismissed them with the same unseemly, unprovoked, and incoherent language. "If I think fit to alter my mind, I will send to you. God has given me this dispensing power, and I will maintain it. I tell you, there are seven thousand men, and of the Church of England too, that have not bowed the knee to Baal." Next morning, when on his way to chapel, he said to the Bishop of St. David's, "My Lord, your brethren presented to me, yesterday, the most seditious paper that ever was penned. It is a trumpet of rebellion." He frequently repeated what Lord Halifax said to him. "Your father suffered for the Church, not the Church for him." The petition was printed and circulated in the night, certainly not by the bishops, who delivered to the King their only copy, written in the hand of Sancroft, for the express purpose of preventing publication; probably, therefore, by some attendant of the Court, for lucre or from

\* Van Citters, 22 May,  
1 June.

disaffection. In a few days, six bishops<sup>a</sup> declared their concurrence in the petition; and the Bishop of Carlisle agreed to its contents, lamenting that he could not subscribe it, because his diocese was not in the province of Canterbury.<sup>b</sup> Two other bishops agreed to the measure of not reading.<sup>c</sup> The archbishopric of York had now been kept vacant for Petre more than two years. The vacancy which delivered the diocese of Oxford from Parker had not yet been filled up. Lloyd of Bangor, who died a few months afterwards, was probably prevented by age and infirmities from taking any part in this transaction. The see of Lichfield, though not vacant, was deserted by Wood, who, having been appointed by the Duchess of Cleveland, in consequence of his bestowing his niece, a rich heiress, to whom he was guardian, on one of her sons<sup>d</sup>, openly and perpetually abandoned his diocese; for which he was suspended by Sancroft, and restored on submission; but continued to reside at Hackney, without professing to discharge any duty, till his death. Sprat, who would have honoured the episcopal dignity by his talents, if he had not earned it by a prostitution of them<sup>e</sup>; Cartwright, who had already approved himself the ready instrument of lawless power against his brethren; Crew, whose servility was rendered more conspicuously disgraceful by birth and wealth; Watson, who, after a long train of offences, was at length deprived of his see; together with Croft, in extreme old age; and Barlow, who had fallen into second childhood; were, since the death of Parker, the only faithless members of an episcopal body, which in its then incomplete state amounted to twenty-two. On Sunday, the 20th of May, the first day appointed for reading the Declaration in London, the order was generally disobeyed; though the administration of the diocese during the suspension of the bishop was placed in the perfidious hands of Sprat and Crew. Out of a hundred, the supposed number of the London

<sup>a</sup> London, Norwich, Gloucester, Salisbury, Winchester, and Exeter. D'Oyley's Sancroft, i. 269.

<sup>b</sup> Gutch, i. 334.

<sup>c</sup> Llandaff and Worcester. Gutch, i. 331.

<sup>d</sup> Kennett, in Lansdown MSS. in the British Museum. D'Oyley's Sancroft, i. 193.

<sup>e</sup> Narrative of the Rye House Plot.

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clergy at that time, seven were the utmost who are, by the largest account, charged with submission.<sup>a</sup> Sprat himself chose to officiate as dean in Westminster Abbey; where, as soon as he gave orders for reading the Declaration, so great a murmur arose that nobody could hear it; but, before it was finished, no one was left in the church but a few prebendaries, the choristers, and the Westminster scholars. He, himself, could hardly hold the proclamation in his hands for trembling.<sup>b</sup> Even in the chapel at Whitehall, it was read by a chorister.<sup>c</sup> At Serjeants' Inn, the Chief Justice desiring that it should be read, the clerk said that he had forgotten it.<sup>d</sup> The names of four complying clergymen only are preserved, — Elliott, Martin, Thomson, and Hall; who, obscure as they were, may be enumerated as specimens of so rare a vice as the sinister courage which, for base ends, can brave the most generous feelings of all the spectators of their conduct. The temptation on this occasion seems to have been the bishopric of Oxford; in the pursuit of which, Hall, who had been engaged in negotiations with the Duchess of Portsmouth for the purchase of Hampden's pardon<sup>e</sup>, by such connections and services prevailed over his competitors. On the following Sunday the disobedience was equally general; and the new reader at the Chapel Royal was so agitated as to be unable to read the Declaration audibly.<sup>f</sup> In general, the clergy of the country displayed the same spirit. In the dioceses of the faithful bishops, the example of the diocesan was almost universally followed; in that of Norwich, which contains twelve hundred parishes, the Declaration was not read by more than three or four.<sup>g</sup> In Durham, on the other side, Crew found so great a number of his poor clergy more independent than a vast revenue could render himself, that he suspended many for disobe-

<sup>a</sup> "La lettura non se essequi che in pochissimi luoghi." D'Adda,  $\frac{20}{30}$  May. Clarendon states the number to be four; Kennett and Burnet, seven. Perhaps the smaller number refers to parochial clergy, and the larger to those of every denomination.

<sup>b</sup> Burnet, iii. 218., note by Lord Dartmouth, then present as a Westminster scholar.

<sup>c</sup> Evelyn, 20th May.

<sup>d</sup> Lords' Journals, 19th Dec. 1689

<sup>e</sup> Life of Prideaux, 41. in D'Oyl. Sanc. i. 270.

<sup>f</sup> Van Citters.

<sup>g</sup> Van Cittera.

dience. The other deserters were disobeyed by nineteen twentieths of their clergy; and not more than two hundred in all are said to have complied out of a body of ten thousand.<sup>a</sup> "The whole Church," says the nuncio, "espouses the cause of the bishops. There is no reasonable expectation of a division among the Anglicans, and our hopes from the Nonconformists are vanished."<sup>b</sup> Well, indeed, might he despair of the dissenters, since, on the 20th of May, the venerable Baxter, above sectarian interests and unmindful of ancient wrongs, from his tolerated pulpit extolled the bishops for their resistance to the very Declaration to which he now owed the liberty of commending them.<sup>c</sup> It was no wonder that such an appearance of determined resistance should disconcert the Government. No prospect now remained of seducing some Protestants, of punishing some others, and by this double example of gaining the greater part of the rest. The King, after so many previous acts of violence, seemed to be reduced to the alternative of either surrendering to exasperated antagonists, or engaging in a mortal combat with all his Protestant subjects. In the most united and vigorous government, the choice would have been among the most difficult which human wisdom is required to make. In the distracted councils of James, where secret advisers thwarted responsible ministers, and fear began to disturb the judgment of some, while anger inflamed the minds of others, a still greater fluctuation and contradiction prevailed, than would have naturally arisen from the great difficulty of the situation. Pride impelled the King to advance, caution counselled him to retreat. Calm reason, even at this day, discovers nearly equal dangers in either movement. It is one of the most unfortunate circumstances in human affairs, that the most important questions of practice either perplex the mind so much by their difficulty, as to be always really decided by temper, or excite passions too strong for such an undisturbed exercise of the understanding as alone affords a probability of

<sup>a</sup> Van Citt.  $\frac{15}{25}$  June. Ralp. ii. 1.

<sup>b</sup> D'Adda,  $\frac{1}{11}$  June.

<sup>c</sup> Johnst. 23d May.

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right judgment. The nearer approach of perils, both political and personal, rendered the counsels of Sunderland more decisively moderate<sup>a</sup>; in which he was supported by the Catholic lords in office, conformably to their uniform principles<sup>b</sup>; and by Jeffreys, who, since he had gained the prize of ambition, began more and more to think of safety.<sup>c</sup> It appears, also, that those who recoiled from an irreparable breach with the Church, the nation, and the Protestants of the royal family, were now not unwilling that their moderation should be known. Jeffreys spoke to Lord Clarendon of "moderate counsels;" declared, that "some men would drive the King to destruction;" and made professions of "service to the bishops;" which he went so far as to desire that nobleman to communicate to them. William Penn, on a visit, after a very long interval, to that lord, betrayed an inquietude, which sometimes prompts men almost instinctively to acquire or renew friendships.<sup>d</sup> Sunderland disclosed the nature and grounds of his own counsels, very fully, both to the nuncio and to the French ambassador.<sup>e</sup> "The great question," he said, "was how the punishment of the bishops would affect the probability of accomplishing the King's purpose through a parliament. Now, it was not to be expected, that any adequate penalty could be inflicted on them in the ordinary course of law. Recourse must be had to the ecclesiastical commission, which was already sufficiently obnoxious. Any legal proceeding would be long enough, in the present temper of men, to agitate all England. The suspension or deprivation by the ecclesiastical commissioners, which might not exclude the bishops from their parliamentary seats, would, in a case of so extensive delinquency, raise such a fear and cry of arbitrary power, as to render

<sup>a</sup> D'Adda,  $\frac{24 \text{ May,}}{3 \text{ June.}}$  Barillon,  $\frac{24 \text{ May,}}{3 \text{ June.}}$

<sup>b</sup> "Lords Powis, Arundel, Dover, and Bellasis, are very zealous for moderation." Van Citters,  $\frac{1}{11} \text{ June.}$

<sup>c</sup> Clarend. Diary, 14th and 27th June, 5th July, 13th August.

<sup>d</sup> Clarendon, 21st May. "The first time I had seen him for a long time. He professed great kindness."

<sup>e</sup> Despatches last cited.

all prospect of a parliament desperate, and to drive the King to a reliance on arms alone; a fearful resolution, not to be entertained without fuller assurance that the army was and would remain untainted." He therefore advised, that "his Majesty should content himself with publishing a declaration, expressing his high and just resentment at the hardihood of the bishops, in disobeying the supreme head of their Church, and disputing a royal prerogative recently recognised by all the Judges of England; but that, in consideration of the fidelity of the Church of England in past times, from which these prelates had been the first to depart, his Majesty was desirous of treating their offence with clemency, and would refer their conduct to the consideration of the next Parliament, in the hope that their intermediate conduct might warrant entire forgiveness." It was said, on the other hand, "that the safety of the government depended on an immediate blow; that the impunity of such audacious contumacy would embolden every enemy at home and abroad; that all lenity would be regarded as the effect of weakness and fear; and that the opportunity must now or never be seized, of employing the ecclesiastical commission to strike down a church, who supported the Crown only as long as she dictated to it, and became rebellious at the moment when she was forbidden to be intolerant." To strengthen these topics, it was urged "that the factions had already boasted that the Court would not dare to proceed juridically against the bishops."

Both the prudent ministers, to whom these discussions were imparted, influenced probably by their wishes, expected that moderation would prevail<sup>a</sup>; but, after a week of discussion, Jeffreys, fearing that the King could not be reconciled to absolute forbearance, and desirous of removing the odium from the ecclesiastical commission, of which he was the head<sup>b</sup>, proposed that the bishops

<sup>a</sup> D'Adda and Barillon,  $\frac{1}{11}$  June.

<sup>b</sup> Van Citters,  $\frac{1}{11}$  June. The biographer of James II. tells us that the Chancellor advised the King to prosecute the bishops for tumultuous petitioning, ignorantly supposing the statute passed at the Restoration against such petitioning to be applicable to their case. James II.

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Their ex-  
amination  
before the  
Privy Coun-  
cil.

should be prosecuted in the Court of King's Bench, and the consideration of mercy or rigour postponed till after judgment: a compromise probably more impolitic than either of the extremes; inasmuch as it united a conspicuous and solemn proceeding, and a form of trial partly popular, with the utmost boldness of defence, some probability of acquittal, and the least punishment in case of conviction. On the evening of the 27th of May, the second Sunday appointed for reading the Declaration, it was determined to prosecute the bishops; and they were accordingly summoned to appear before the Privy Council on the 8th of June, to answer a charge of misdemeanour. In obedience to this summons, the bishops attended at Whitehall on the day appointed, about five o'clock in the afternoon, and being called into the council chamber, were graciously received by the King. The Chancellor asked the Archbishop, whether a paper now shown to him was the petition written by him, and presented by the other bishops to his Majesty. The Archbishop, addressing himself to the King, answered, "Sir, I am called hither as a criminal, which I never was before: since I have that unhappiness, I hope your Majesty will not be offended that I am cautious of answering questions which may tend to accuse myself." The King called this chicanery; adding, "I hope you will not deny your own hand." The Archbishop said, "The only reason for the question is to draw an answer which may be ground of accusation." Lloyd of St. Asaph added, "All divines of all Christian churches are agreed that no man in our situation is obliged to answer such questions;" but the King impatiently pressing for an answer, the Archbishop said, "Sir, though not obliged to answer, yet, if your Majesty commands it, we are willing to obey, trusting to your justice and generosity that we shall not suffer for our obedience." The King said he should not command

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ii. 158. The passage in the same page, which quotes the King's own MSS., is more naturally referable to the secret advisers of the order in council. The account of Van Citters, adopted in the text, reconciles the Jacobite tradition followed by Dicconson with the language of Jeffreys to Clarendon, and to the former complaints of the Catholics against his lukewarmness mentioned by Barillon.



them, and Jeffreys directed them to withdraw. On their return, they were commanded by the King to answer, and they owned the petition. There is some doubt whether they repeated the condition on which they made their first offer of obedience<sup>a</sup>; but, if they did not, their forbearance must have arisen from a respectful confidence, which disposed them, with reason, to consider the silence of the King as a virtual assent to their unretracted condition. A tacit acceptance of conditional obedience is indeed as distinct a promise to perform the condition as the most express words. They were commanded to withdraw; and, on their return a third time, they were told by Jeffreys that they would be proceeded against; "but," he added (alluding to the obnoxious commission), "with all fairness, in Westminster Hall." He desired them to enter a recognisance (or legal engagement) to appear. They declared their readiness to answer, whenever they were called, without a recognisance; and, after some conversation, insisted on their privilege as peers not to be bound by recognisance in misdemeanour. They were directed once more; and, after several ineffectual attempts to prevail on them to accept the offer of being discharged on their own recognisances, as a favour, they were committed to the Tower by a warrant, which all the privy counsellors present, except Lord Berkeley and Father Petre, subscribed; of whom it is observable, that nine only were avowed Catholics, and nine professed members of the English church, besides Sunderland, whose renunciation of that religion was not yet made public.<sup>b</sup> The order for their prosecution was, however, sanctioned in the usual manner, by placing the names of all present at the head. The people, who saw the Bishops as they walked to the barges which were to conduct them to the Tower, were deeply affected by the spectacle; and, for the first time, manifested their emotions in a

Their commitment.

<sup>a</sup> Dr. D'Oyley, i. 278., seems on this point to vary from the narrative in Gutch, Coll. Curios. i. 351. It seems to me more probable that the condition was repeated after the second entrance; for Dr. D'Oyley is certainly right in thinking that the statement of the Archbishop's words, as having been spoken "after the third or fourth coming in," must be a mistake. It is evidently at variance with the whole course of the examination.

<sup>b</sup> Gutch, Coll. Curios. i. 353, 354.

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manner which would have still served as a wholesome admonition to a wise government. The demeanour of these prelates is described by eye-witnesses as meek, composed, and cheerful<sup>a</sup>; betraying no fear, and untainted by ostentation or defiance, but endowed with a greater power over the fellow-feeling of the beholders by the exhortations to loyalty, which were doubtless uttered with undesigning sincerity by the greater number of the venerable sufferers. The mode of conveyance, though probably selected for mere convenience, contributed to deepen and prolong the interest of the scene. The soldiers who escorted them to the shore had no need to make any demonstrations of violence, for the people were too much subdued by pity and reverence to vent their feelings otherwise than by tears and prayers. Having never before seen prelates in opposition to the King, accustomed to look at them only in a state of pacific and inviolate dignity, the spectators regarded their fall to the condition of prisoners and the appearance of culprits with amazement, awe, and compassion. The scene seemed to be a procession of martyrs. Thousands, says Van Citters, probably an eye-witness, begged their blessing.<sup>b</sup> Some persons ran into the water to implore a blessing from the prisoners. Both banks of the Thames were lined with multitudes, who, when they were too distant to be heard, manifested their feelings by falling down on their knees, and raising up their hands, beseeching Heaven to guard the sufferers for religion and liberty.<sup>c</sup> On landing at the Tower, several of the guards knelt down to receive their blessing. Some even of the officers yielded to the general impulse; and as the Bishops chanced to land at the accustomed hour of evening prayer, they immediately repaired to the chapel, where they heard, in the ordinary lesson of the day, a remarkable exhortation to the primitive teachers of Christianity, "to approve themselves the ministers of God, with patience, in afflictions, in imprisonments."<sup>d</sup> The court ordered the guard to be doubled. On the following days multi-

<sup>a</sup> Reresby, 261.

<sup>b</sup> Van Citters,  $\frac{8}{18}$  June.

<sup>c</sup> Burnet, Echard, Ralph.

<sup>d</sup> 2 Cor. vi.

tudes crowded to the Tower<sup>a</sup>, of whom the majority gazed on the prison with distant awe, while a few entered to offer homage and counsel to the venerable prisoners. "If it be a crime to lament," said a learned contemporary, in a confidential letter, "innumerable are the transgressors. The nobles of both sexes, as it were, keep their court at the Tower, whither a vast concourse daily go to beg the holy men's blessing. The very soldiers act as mourners."<sup>b</sup> The soldiers on guard, indeed, drank their healths; and though reprimanded by Sir Edward Hales, now Lieutenant of the Tower, declared that they would persevere.<sup>c</sup> The amiable Evelyn did not fail to visit them on the day previous to that on which he was to dine with the Chancellor, appearing to distribute his courtesies with the neutrality of Atticus<sup>d</sup>; but we now know that Jeffreys himself, on the latter of these days, had sent a secret message by Clarendon, assuring the Bishops that he was much troubled at the prosecution, and offering his services to them.<sup>e</sup> None of their visitors were more remarkable than a deputation of ten Non-conformist ministers, which so incensed the King that he personally reprimanded them; but they answered, that they could not but adhere to the Bishops, as men constant to the Protestant religion<sup>f</sup>,—an example of magnanimity rare in the conflicts of religious animosities.

The Dissenting clergy seem, indeed, to have been nearly unanimous in preferring the general interest of religious liberty to the enlargement of their peculiar privileges.<sup>g</sup> Alsop was full of sorrow for his compliances in the former year. Lobb, who was seized with so enthusiastic an attachment to James that he was long after known by the singular name of the "Jacobite Independent," alone persevered in devotedness to the court; and when the King asked his advice respecting the treatment of the

<sup>a</sup> Clar. Diary, 9th, 10th, 12th June.

<sup>b</sup> Dr. Nelson's Letter to his Wife, in Gutch, Coll. Cur. i. 960.

<sup>c</sup> Reresby.

<sup>d</sup> Evelyn's Diary, 13th and 14th June.

<sup>e</sup> Clar. Diary, 14th June.

<sup>f</sup> Reresby.

<sup>g</sup> Johnst. 13th June.

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Bishops, advised that they should be sent to the Tower.<sup>a</sup> No exertion of friendship or of public zeal was wanting to prepare the means of their defence, and to provide for their dignity, in every part of the proceeding. The Bishop of London, Dr. Tennyson, and Johnstone, the secret agent of the Prince of Orange, appear to have been the most active of their friends. Pemberton and Pöllexfen, accounted the most learned among the elder lawyers, were engaged in their cause. Sir John Holt, destined to be the chief ornament of a bench purified by liberty, contributed his valuable advice. John Somers, then in the thirty-eighth year of his age<sup>b</sup>, was objected to at one of their consultations, as too young and obscure to be one of their counsel<sup>c</sup>; and, if we may believe Johnstone, it was owing to him that this memorable cause afforded the earliest opportunity of making known the superior intellect of that great man. Twenty-eight peers were prepared to bail them, if bail should be required.<sup>d</sup> Stanley, chaplain to the Princess of Orange, had already assured Sancroft that the Prince and Princess approved their firmness, and were deeply interested in their fate.<sup>e</sup> One of them, probably Trelawney, a prelate who had served in the civil war, early told Johnstone that if they were sent to the Tower, he hoped the Prince of Orange would take them out, which two regiments and his authority would do<sup>f</sup>; and, a little later, the Bishop of St. Asaph assured the same trusty agent, who was then collecting the opinions of several eminent persons on the seasonableness of resistance, that "the matter would be easily done."<sup>g</sup> This bold prelate had familiarised himself to extraordinary events, and was probably tempted to daring counsels by an overweening confidence in his own interpretation of mysterious prophecies, which he had long laboured to illustrate by vain efforts of ability

<sup>a</sup> Johnst. 13th June. "I told the Archbishop of Canterbury," says Johnstone, "that their fate depended on very mean persons." Burnet, iii. 217.

<sup>b</sup> Born 1650.

<sup>c</sup> Gutch, Coll. Curios. i. 357., where their names appear.

<sup>d</sup> Johnstone, 27th May.

<sup>e</sup> Johnstone, 18th June. The Bishop's observation is placed between the opinions of Mr. Hampden and Sir J. Lee, both zealous for immediate action.

<sup>f</sup> Kennett.

<sup>g</sup> Id. 307.

and learning. He made no secret of his expectations ; but, at his first interview with a chaplain of the Archbishop, exhorted him to be of good courage, and declared that the happiest results were now to be hoped, for the people, incensed by tyranny, were ready to take up arms to expel the Papists from the kingdom, and to punish the King himself, which was to be deprecated, by banishment or death ; adding, that if the Bishops escaped from their present danger, they would reform the Church from the corruptions which had crept into her frame, throw open her gates for the joyful entrance of the sober and pious among Protestant Dissenters, and relieve even those who should continue to be pertinacious in their nonconformity from the grievous yoke of penal laws.\* During the imprisonment, Sunderland and the Catholic lords, now supported by Jeffreys, used every means of art and argument to persuade James that the birth of the Prince of Wales (which will presently be related) afforded a most becoming opportunity for signalling that moment of national joy by a general pardon, which would comprehend the Bishops, without involving any apparent concession to them.<sup>b</sup> The King, as usual, fluctuated. A proclamation, couched in the most angry and haughty language, commanding all clergymen, under pain of immediate suspension, to read the Declaration, was several times sent to the press, and as often withdrawn.<sup>c</sup> “The King,” said Jeffreys, “had once resolved to let the proceedings fall ; but some men would hurry him to destruction.”<sup>d</sup> The obstinacy of James, inflamed by bigoted advisers, and supported by commendation, with proffered aid, from France, prevailed over sober counsels.

On the 15th of June, the Bishops were brought before the Court of King’s Bench by a writ of Habeas Corpus. On leaving

\* Diary of Henry Wharton, 25th June, 1688. D’Oyley’s Sancroft, ii. 134. The term “ponteficios,” which is rendered in the text by Papists, may perhaps be limited, by a charitable construction, to the more devoted partisans of papal authority. “The Bishop of St. Asaph was a secret favourer of a foreign interest.” Life of Kettlewell, 175. London, 1718 ; from the papers of Hicks and Nelson.

<sup>b</sup> Johnstone, 13th June.

• V. Citt.  $\frac{29 \text{ May,}}{8 \text{ June.}}$

<sup>d</sup> Clarend. Diary, 14th June.

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the Tower they refused to pay the fees required by Sir Edward Hales as lieutenant, whom they charged with discourtesy. He so far forgot himself as to say that the fees were a compensation for the irons with which he might have loaded them, and the bare walls and floor to which he might have confined their accommodation.<sup>a</sup> They answered, "We lament the King's displeasure, but every other man loses his breath who attempts to intimidate us." On landing from their barge, they were received with increased reverence by a great multitude, who made a lane for them, and followed them into Westminster Hall.<sup>b</sup> The nuncio, unused to the slightest breath of popular feeling, was subdued by these manifestations of enthusiasm, which he relates with more warmth than any other contemporary. "Of the immense concourse of people," says he, "who received them on the bank of the river, the majority in their immediate neighbourhood were on their knees: the Archbishop laid his hands on the heads of such as he could reach, exhorting them to continue steadfast in their faith; they cried aloud that all should kneel, while tears flowed from the eyes of many."<sup>c</sup> In the Court of King's Bench they were attended by the twenty-nine peers, who offered to be their sureties, and the court was instantly filled by a crowd of gentlemen attached to their cause. The return of the lieutenant of the Tower to the writ of Habeas Corpus set forth that the Bishops were committed under a warrant signed by certain privy counsellors for a seditious libel. The Attorney General moved, that the information should be read, and that the Bishops should be called on to plead, or, in common language, either to admit the fact, deny it, or allege some legal justification of it. The counsel for the Bishops objected to reading the information on the ground that they were not legally before the court, because the warrant, though signed by privy counsellors, was not stated to be issued by them in that capacity,

<sup>a</sup> Johnst. 18th June; and a more general statement to the same effect, Evelyn, 29th June.

<sup>b</sup> Clarend. 15th June, &c.

<sup>c</sup> D'Adda,  $\frac{15}{22}$  June, and Reresby.

and because the Bishops, being peers of parliament, could not lawfully be committed for a libel. The court over-ruled these objections, the first with evident justice, because the warrant of commitment set forth its execution at the council chamber, and in the presence of the King, which sufficiently showed it to be the act of the subscribing privy counsellors acting as such: the second, with much doubt touching the extent of privilege of parliament acknowledged on both sides to exempt from apprehension in all cases but treason, felony, and the peace; which last term was said by the counsel for the Crown to comprehend such constructive offences against the peace as a libel, and argued on behalf of the Bishops, to be confined to those acts or threats of violence which, in common language, are termed breaches of the peace. The greatest judicial authority on constitutional law since the accession of the House of Brunswick has pronounced the determination of the Judges in 1688 to be erroneous.<sup>a</sup> The question depends too much upon irregular usage and technical subtleties to be brought under the cognisance of the historian, who must be content with observing, that the error was not so manifest as to warrant an imputation of bad faith to the Judges. A delay of pleading till next term, which is called an imparlance, was then claimed on the part of the Bishops. The officers usually referred to for the practice of the court declared it for the last twelve years to have been that the defendants should immediately plead. Sir Robert Sawyer, Mr. Finch, Sir Francis Pemberton, and Mr. Pollexfen, bore a weighty testimony, from their long experience, to the more indulgent practice of the better times which preceded; but Sawyer, covered with the guilt of so many odious proceedings, Finch, who was by no means free from participation in them, and even Pemberton, who had the misfortune to be Chief Justice in evil days, seemed to contend against the practice of their own administration with a bad grace; the veteran Pollexfen alone, without fear of retaliation, appealed to the pure age of Sir Matthew Hale. The

<sup>a</sup> Lord Chief Justice Pratt, afterwards Lord Camden. Wilkes's case, 1763.

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court decided that the Bishops should plead, but their counsel considered themselves as having gained their legitimate object by showing that the government employed means at least disputable against them.<sup>a</sup> The Bishops pleaded Not guilty, and they were enlarged, on their own undertaking to appear on the trial, which was appointed to be on the 29th of June. As they left the court they were surrounded by crowds, who begged their blessing. The Bishop of St. Asaph, detained in Palace Yard by a multitude, who kissed his hands and garments, was delivered from their importunate kindness by Lord Clarendon, who, taking him into his carriage, found it necessary to make a circuit through the Park to escape from the bodies of people by whom the streets were obstructed.<sup>b</sup> Shouts and huzzas broke out in the court, and were repeated all around at the moment of the enlargement. The bells of the Abbey Church of Westminster had begun to ring a joyful peal, when they were stopped by Sprat amidst the execrations of the people.<sup>c</sup> No one knew, said the Dutch minister, what to do for joy. When the Archbishop landed at Lambeth, the grenadiers of Lord Lichfield's regiment, though posted there by his enemies, received him with military honours, made a lane for his passage from the river to his palace, and fell on their knees to ask his blessing.<sup>d</sup> In the evening the premature joy at this temporary liberation displayed itself in bonfires, and in some outrages to Roman Catholics, as the supposed instigators of the prosecution.\* No doubt was entertained at court of the result of the trial, which the King himself took measures to secure by a private interview with Sir Samuel Astry, the officer whose province it was to form

<sup>a</sup> State Trials, xii. 189. The general reader may be referred with confidence to the excellent Abridgment of the State Trials, by Mr. Phillipps, London, 1826; 2 vols. 8vo.; a work probably not to be paralleled by the union of discernment, knowledge, impartiality, calmness, clearness, and precision, it exhibits on questions the most angrily contested. It is, indeed, far superior to the huge and most unequal compilation of which it is an abridgment, to say nothing of the instructive observations on legal questions in which Mr. Phillipps rejudges the determinations of past times.

<sup>b</sup> Claren. 15th June.

<sup>c</sup> Van Citters,  $\frac{15}{25}$  June.

<sup>d</sup> Johnst. 18th June.

\* Narc. Lutterell, and the two last-mentioned authorities.



the jury.<sup>a</sup> It was openly said that the bishops would be condemned to pay large fines; to be imprisoned till the payment, and suspended from their functions and revenues.<sup>b</sup> A fund would thus be ready for the King's liberality to Catholic colleges and chapels, while the punishment of the archbishop would remove the only licenser of the press<sup>c</sup> who was independent of the Crown. Sunderland still contended for the policy of being generous after victory, and of not seeking to destroy those who would be sufficiently degraded. He believed that he had made a favourable impression on the King.<sup>d</sup> But that Prince spoke of the feebleness which had disturbed the reign of his brother, and brought his father to the scaffold. Barillon represents him as inflexibly resolved on rigour<sup>e</sup>, and the opinion seems to have been justified by the uniform result of every previous deliberation. Men of common understanding are much disposed to consider the contrary of the last unfortunate error as being always sound policy; they are incapable of estimating the various circumstances which may render vigour or caution applicable at different times and in different stages of the same proceedings. They pursue their single maxim, often founded on shallow views, even of one case, with headlong obstinacy; and if they be men also of irresolute nature, they are unable to resist the impetuosity of violent counsellors; they are prone to rid themselves from the pain of fluctuation by a sudden determination to appear decisive; and they often take refuge from past fears, and seek security from danger to come, by a rash and violent blow. "Lord Sunderland," says Barillon, "like a good courtier and an able politician, every where

<sup>a</sup> Clar. Diary, 21st June and 27th June, where an agent of the court is said to have busied himself in striking the jury.

<sup>b</sup> Barillon,  $\frac{21 \text{ June,}}{1 \text{ July.}}$  V. Citters,  $\frac{22 \text{ June,}}{2 \text{ July.}}$

<sup>c</sup> It appears from Wharton's Diary, that the chaplains at Lambeth discharged this duty with more regard even then to the feelings of the King than to the rights of Protestant controversialists.

<sup>d</sup> D'Adda,  $\frac{29 \text{ June,}}{9 \text{ July.}}$

<sup>e</sup> Bar.  $\frac{21 \text{ June,}}{1 \text{ July.}}$

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Trial.

The bishops, on the appointed day, entered the court surrounded by the lords<sup>b</sup> and gentlemen, who, on this solemn occasion, chose that mode of once more testifying their adherence to the public cause. Some previous incidents inspired courage. Levinz, one of the counsel retained, having endeavoured to excuse himself from an obnoxious duty, was compelled, by the threats of attornies, to perform it. The venerable Serjeant Maynard, urged to appear for the Crown, in the discharge of his duty as King’s serjeant, boldly answered, that if he did he was bound also to declare his conscientious opinion of the case to the King’s Judges.<sup>c</sup> The appearance of the bench was not consolatory to the accused. Powell was the only impartial and upright Judge. Allibone, as a Roman Catholic, was, in reality, about to try the question whether he was himself legally qualified for his office. Wright and Holloway were placed on the bench to betray the law. Jeffreys himself, who appointed the Judges, now loaded them with the coarsest reproaches<sup>c</sup>, more, perhaps, from distrust of their boldness than from apprehension of their independence. Symptoms of the overawing power of national opinion are indeed perceptible in the speech of the Attorney-General, which was not so much the statement of an accusation as an apology for the prosecution. He disclaimed all attack on the bishops in their episcopal character; he did not now complain of their refusal to read the King’s Declaration, but only charged them with the temporal offence of composing and publishing a seditious libel, under pretence of presenting a humble petition to his Majesty. His doctrine on libel was, indeed, subversive of liberty; but it has often been

<sup>a</sup> Bar. ubi suprà.

<sup>b</sup> “Thirty-five lords.” Johnstone, 2d July; probably about one half of the legally qualified peers then in England and able to attend. There were eighty-nine temporal lords who were Protestants. Minority, and absence from the kingdom, and sickness, may account for nineteen.

<sup>c</sup> Johnst. 2d July.

<sup>d</sup> Clar. 27th June, “Rogues.” 5th July, “Knaves, Fools.” He called Wright “a beast;” but this, it must be observed, was after his defeat.

repeated in better times, though in milder terms, and with some reservations. "The bishops," said he, "are accused of censuring the government, and giving their opinion about affairs of state. No man may say of the great officers of the kingdom, far less of the King, that they act unreasonably, for that may beget a desire of reformation, and the last age will abundantly satisfy us whither such a thing does tend." The first difficulty arose on the proof of the handwriting of the bishops, which seems to have been decisive against Sancroft, sufficient against some others, and altogether wanting in the cases of Ken and Lake. All the witnesses on this subject gave their testimony with the most evident reluctance. The court was equally divided on the question whether there was sufficient proof of the handwriting to warrant the reading of the petition in evidence against the accused. The objection to reading it was groundless, but the answers to it attempted were so feeble as to betray a general irresolution and embarrassment. The counsel for the Crown were then driven to the necessity of calling the clerk of the privy council to prove the confessions before that body, in obedience to the commands of the King. When they were proved, Pemberton, with considerable dexterity, desired the witness to relate all the circumstances which attended these confessions. Blathwaite, the clerk, long resisted, and evaded this question, of which he evidently felt the importance. He was at length compelled to acknowledge that the bishops had accompanied their offer to submit to the royal command, by expressing their hope that no advantage would be taken of their confession against them. He could not pretend that they were warned against such a hope before their confession was received; but he eagerly added, that no promise to such an effect had been made, as if chicanery could be listened to in a matter which concerned the personal honour of a sovereign. Williams, the only one of the counsel of the Crown who was more provoked than intimidated by the public voice, drew the attention of the audience to this breach of faith by the vehemence with which he resisted the admission of the evidence which proved it. Another subtle question

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sprung from the principle of English law, that crimes are triable only in the county where they are committed. It was said that the alleged libel was written at Lambeth in Surrey, and not proved to have been published in Middlesex; so that neither of the offences charged could be tried in the latter county. It was proved that it could not have been written in Middlesex; because the archbishop, who was the writer, had been confined by illness to his palace for some months. The counsel then endeavoured to prove by the clerks of the privy council<sup>a</sup>, that the bishops had owned the delivery of the petition to the King, which would have been a publication in Middlesex. But the witnesses proved only an admission of the signatures. On every failure, the audience showed their feelings by a triumphant laugh or a shout of joy. The Chief Justice, who at first feebly reprimanded them, soon abandoned the attempt to check them. In a long and irregular altercation, the advocates of the accused spoke with increasing boldness, and those for the prosecution with more palpable depression, except Williams, who vented the painful consciousness of inconsistency, unvarnished by success, in transports of rage which descended to the coarsest railing. The court had determined that there was no evidence of publication before the examination of the latter witnesses, who certainly afforded none. The Attorney and Solicitor-General, however, after the failure of that examination, proceeded to argue that the case was sufficient; chiefly, it should seem, to prolong the brawls till the arrival of Lord Sunderland, by whose testimony they expected to prove the delivery of the petition to the King. But the Chief Justice, who could no longer endure such wearisome confusion, began to sum up the evidence to the jury, whom, if he had adhered to his previous declarations, he must have instructed to acquit the accused. Finch, either distrusting the jury, or excused, if not justified, by the Judge's character, by the suspicious solemnity of his professions of impartiality, and by his own too long familiarity with

<sup>a</sup> Pepys, the noted secretary to the Admiralty, was one of the witnesses examined. He was probably a privy counsellor.

the darkest mysteries of state trials, suspected some secret design, and respectfully interrupted Wright, in order to ascertain whether he still thought that there was no sufficient proof of writing in Middlesex, or of publication any where. Wright, who seemed to be piqued, said, he was sorry Mr. Finch should think him capable of not leaving it fairly to the jury. He scarcely contained his exultation over the supposed indiscretion of Finch.<sup>a</sup> Pollexfen requested the Judge to proceed, and Finch pressed his interruption no farther. But Williams, who, when Wright had begun to sum up, countermanded his request for the attendance of Lord Sunderland as too late, seized the opportunity of this interruption to despatch a second message, urging him to come without delay, and begged the court to suspend the summing up, as a person of great quality was about to appear who would supply the defects in the evidence. He triumphantly said, that there was a fatality in this case, and Wright said to the bishops' counsel, "You see what comes of the interruption; now we must stay." All the bystanders condemned Finch as much as he soon afterwards compelled them to applaud him. An hour was spent in waiting for Sunderland. It appears to have been during this fortunate delay that the bishops' counsel determined on a defence founded on the illegality of the dispensing power, from which they had before been either deterred from an apprehension that they would not be suffered to question an adjudged point, or diverted at the moment by the prospect that the Chief Justice would sum up for an acquittal.<sup>b</sup> By this resolution, the verdict, instead of only

<sup>a</sup> "The C. J. said, 'Gentlemen, you do not know your own business; but since you will be heard, you shall be heard.'" Johnst. 2d July. He seems to have been present, and, as a Scotchman, was not very likely to have invented so good an illustration of the future tense. It is difficult not to suspect that Wright, after admitting that there was no positive evidence of publication in Middlesex, did not intend to tell the jury that there were circumstances proved from which they might reasonably infer the fact. The only circumstance, indeed, which could render it doubtful that he would lay down a doctrine so well founded, and so suitable to his purpose, at a time when he could no longer be contradicted, is the confusion which, on this trial, seems to have more than usually clouded his weak understanding.

<sup>b</sup> "They waited about an hour for Sunderland, which luckily fell out, for in this time the bishops' lawyers recollected themselves, in order to what followed." Johnst. 2d July. A

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insuring the escape of the bishops, became a triumph of the Constitution. At length Sunderland was carried through Westminster in a chair, of which the head was down. No one saluted him. The multitude hooted and hissed, crying out "Popish dog." He was so disordered by this reception that when he came into court he trembled, changed colour, and looked down, as if fearful of the countenances of ancient friends, and unable to bear the contrast between his own disgraceful greatness and the honourable calamity of the bishops. He proved that the bishops came to him with a petition to the King, which he declined to read, and that he introduced them immediately to the King, to whom he had communicated the purpose for which they prayed an audience.

The defence.

The general defence then began, and the counsel for the bishops, without relinquishing their minor objections, arraigned the dispensing power, and maintained the right of petition with a vigour and boldness which entitles such of them as were only mere advocates to great approbation, and those among them who were actuated by higher principles to the everlasting gratitude of their country. When Sawyer began to question the legality of the Declaration, Wright, speaking aside, said, "I must not suffer them to dispute the King's power of suspending laws." Powell answered, "They must touch that point; for if the King hath no such power (as clearly he hath not), the petition is no attack on the King's legal power, and therefore no libel." Wright peevishly replied, "I know you are full of that doctrine, but the bishops shall have no reason to say I did not hear them. Brother, you shall have your way for once. I will hear them. Let them talk till they are weary."

The substance of the argument was, that a dispensing power was unknown to the ancient constitution; that the Commons, in

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minute examination of the trial explains these words of Johnstone, and remarkably proves his accuracy. From the eagerness of Pollexfen that Wright should proceed with his address to the jury, it is evident they did not then intend to make the defence which was afterwards made.

the reign of Richard II., had formally consented that the King should, with the assent of the Lords, exercise such a power respecting a single law till the next parliament<sup>a</sup>; that the acceptance of such a trust was a parliamentary declaration against the existence of such a prerogative; that though there were many cases of dispensations from penalties granted to individuals, there never was an instance of a pretension to dispense with laws before the Restoration; that it was in the reign of Charles II. twice condemned by parliament, twice relinquished, and once disclaimed by the Crown; that it was declared to be illegal by the House of Commons in their very last session; and finally, that the power to suspend was in effect a power to abrogate; that it was an assumption of the whole legislative authority, and laid the laws and liberties of the kingdom at the mercy of the King. Mr. Somers, whose research had supplied the ancient authorities quoted by his seniors, closed the defence in a speech admirable for a perspicuous brevity adapted to the stage of the trial at which he spoke, on which, with a mind so unruffled by the passions which raged around him as even to preserve a beautiful simplicity of expression rarely reconcileable with anxious condensation, he conveyed in a few luminous sentences the substance of all that had been dispersed over a rugged, prolix, and disorderly controversy. "My Lord, I would only mention the case respecting a dispensation from a statute of Edward VI., wherein all the Judges determined that there never could be an abrogation or suspension (which is a temporary abrogation) of an act of parliament but by the legislative power. It was, indeed, disputed how far the King might dispense with the penalties on such a particular law, as to particular persons, but it was agreed by all that the King had no power to suspend any law. Nay, I dare venture to appeal to Mr. Attorney-General, whether, in the late case of Sir Edward Hales, he did not admit that the King could not suspend a law, but only grant a dispensation from its observance to a particular

<sup>a</sup> 15 R. II. Rot. Parl.

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person. My Lord, by the law of all civilised nations, if the prince requires something to be done, which the person who is to do it takes to be unlawful, it is not only lawful, but his duty, *rescribere principi*<sup>a</sup>, to petition the sovereign. This is all that is done here; and that in the most humble manner that could be thought of. Your Lordships will please to observe how far that humble caution went; how careful they were that they might not in any way justly offend the King: they did not interpose by giving advice as peers; they never stirred till it was brought home to themselves as bishops. When they made this petition, all they asked was, that it might not be so far insisted on by his Majesty as to oblige them to read it. Whatever they thought of it, they do not take it upon them to desire the Declaration to be revoked. My Lord, as to the matters of fact alleged in the petition, that they are perfectly true we have shown by the Journals of both Houses. In every one of those years which are mentioned in the petition, this power was considered by parliament, and upon debate declared to be contrary to law. There could then be no design to diminish the prerogative, for the King has no such prerogative. Seditious, my Lord, it could not be, nor could it possibly stir up sedition in the minds of the people, because it was presented to the King in private and alone; false it could not be, for the matter of it was true; there could be nothing of malice, for the occasion was not sought, but the thing was pressed upon them, and a libel it could not be, because the intent was innocent, and they kept within the bounds set up by the law that gives the subject leave to apply to his prince by petition when he is aggrieved." The Crown lawyers, by whom this extensive and bold defence seems to have been unforeseen, manifested in their reply their characteristic faults. Powis was feebly technical, and Williams was offensively violent.<sup>b</sup> Both evaded the great question

<sup>a</sup> This phrase of the Roman law, which at first sight seems mere pedantry, conveys a delicate and happy allusion to the liberty of petition, which was allowed even under the despotism of the emperors of Rome.

<sup>b</sup> Pollexfen and Finch took no small pains to inveigh against the King's dispensing power. The counsel for the Crown waived that point, though Mr. Solicitor was fiercely earnest against



of the prerogative by professional common-places of no avail with the jury or the public. They both relied on the usual topics employed by their predecessors and successors, that the truth of a libel could not be the subject of enquiry; and that the falsehood, as well as the malice and sedition charged by the information, were not matters of fact to be tried by the jury, but qualifications applied by the law to every writing derogatory from the government. Both triumphantly urged that the parliamentary proceedings of the last and present reign, being neither acts nor judgments of Parliament, were no proof of the illegality of what they condemned, without adverting to the very obvious consideration that the bishops appealed to them only as such manifestations of the sense of Parliament as it would be imprudent in them to disregard. Williams, in illustration of this argument, asked whether the name of a declaration in Parliament could be given to the Bill of *Exclusion*, because it had passed the Commons (where he had been very active in promoting it). This indiscreet allusion<sup>a</sup> was received with a general hiss. He was driven to the untenable position, that a petition from these prelates was warrantable only to Parliament, and that they were bound to delay it till Parliament was assembled. Wright, waving the question of the dispensing power<sup>b</sup>, instructed the jury that a delivery to the King was a publication; and that any writing which was adapted to disturb the government, or make a stir among the people, was a libel: language of fearful import, but not peculiar to him, nor confined to his time. Holloway thought, that if the intention of the bishops was only to make an innocent provision for their own security, the writing could not be a libel.

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the bishops, and took the management upon himself, Mr. Attorney's province being to put a smooth question now and then. Mr. (afterwards Baron) Price to the Duke of Beaufort. Macpherson. State Papers.

<sup>a</sup> V. Citt. 29 June,  
9 July.

<sup>b</sup> "The dispensing power is more effectually knocked on the head than if an act of Parliament had been made against it. The Judges said nothing about it, except Powell, who declared against it. So it is given up in Westminster Hall. My Lord Chief Justice is much blamed at court for allowing it to be debated." Johnst. 2d July.

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Powell declared that they were innocent of sedition, or of any other crime. "If such a dispensing power be allowed, there will need no Parliament; all the legislature will be in the King. I leave the issue to God and to your consciences." Allibone overleaped all the fences of decency or prudence so far as to affirm "that no man can take upon himself to write against the actual exercise of the government, unless he have leave from the government, but he makes a libel, be what he writes true or false. The government ought not to be impeached by argument. This is a libel. No private man can write concerning the government at all, unless his own interest be stirred, and then he must redress himself by law. Every man may petition in what relates to his private interest; but neither the bishops, nor any other man, has a right to intermeddle in affairs of government." After a trial which lasted ten hours, the jury retired at seven o'clock in the evening to consider their verdict. The friends of the bishops watched at the door of the jury-room, and heard loud voices at midnight and at three o'clock; so anxious were they about the issue, though delay be in such cases a sure symptom of acquittal. The opposition of one Arnold, the brewer of the King's house, being at length subdued by the steadiness of the others, they informed the Chief Justice, at six o'clock in the morning, that the jury were agreed in their verdict\*, and desired to know when he would receive it. The Court met at nine o'clock. The nobility and gentry covered the benches, and an immense concourse of people filled the Hall, and blocked up the adjoining streets. Sir Robert Langley, the foreman of the jury, being, according to established form, asked whether the accused were guilty or not

\* Letter of Ince, the solicitor for the bishops, to Sancroft. Gutch, Coll. Cur. i. 374. From this letter we learn that the perilous practice then prevailed of successful parties giving a dinner and money to the jury. The solicitor proposed that the dinner should be omitted, but that 150 or 200 guineas should be distributed among twenty-two of the pannel who attended. "Most of them (i. e. the pannel of the jury) are Church of England men: several are employed by the King in the navy and revenue; and some are or once were of the Dissenters' party." News Letter. Ellis, 2d series, iv. 105. Of this last class we are told by Johnstone, (2d July), that, "on being sounded by the Court agents, they declared that if they were jurors, they should act according to their conscience."

guilty, pronounced the verdict, "Not guilty." No sooner were these words uttered than a loud huzza arose from the audience in the court. It was instantly echoed from without by a shout of joy, which sounded like a crack of the ancient and massy roof of Westminster Hall.<sup>a</sup> It passed with electrical rapidity from voice to voice along the infinite multitude who waited in the streets. It reached the Temple in a few minutes. For a short time no man seemed to know where he was. No business was done for hours. The Solicitor General informed Lord Sunderland, in the presence of the nuncio, that never within the remembrance of man had there been heard such cries of applause mingled with tears of joy.<sup>b</sup> "The acclamations," says Sir John Reresby, "were a very rebellion in noise." In no long time they ran to the camp at Hounslow, and were repeated with an ominous voice by the soldiers in the hearing of the King, who, on being told that they were for the acquittal of the bishops, said, with an ambiguity probably arising from confusion, "So much the worse for them." The jury were received with the loudest acclamations: hundreds, with tears in their eyes, embraced them as deliverers.<sup>c</sup> The bishops, almost alarmed at their own success, escaped from the huzzas of the people as privately as possible, and exhorted them to fear God and honour the King. Cartwright, Bishop of Chester, had remained in court during the trial unnoticed by any of the crowd of nobility and gentry, and Sprat met with little more regard.<sup>d</sup> Cartwright, in going to his carriage, was called a "wolf in sheep's clothing;" and as he was very corpulent, the populace cried out, "Room for the man with a pope in his belly!"<sup>e</sup> They bestowed also on Sir William Williams very mortifying proofs of disrespect.<sup>f</sup> Money was thrown among the populace to drink the healths of the King, the bishops, and the jury. In the evening

<sup>a</sup> Clarendon, 30th June.

<sup>c</sup> V. Citt.  $\frac{3}{13}$  July.

<sup>e</sup> V. Citt.  $\frac{3}{13}$  July.

<sup>b</sup> D'Adda,  $\frac{6}{16}$  July.

<sup>d</sup> Gutch, i. 382.

<sup>f</sup> Id.

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they did so, together with confusion to the Papists, amidst the ringing of bells, and around bonfires which were lighted throughout the city, blazing before the windows of the King's palace<sup>a</sup>, where the Pope was burnt in effigy<sup>b</sup> by those who were not aware of his lukewarm friendship for their enemies. Bonfires were particularly kindled before the doors of the most distinguished Roman Catholics, who were required by the multitude to defray the expense of this annoyance. Lord Arundel, and others, submitted. Lord Salisbury, with the zeal of a new convert, sent his servants to disperse the 'rabble'; but after having fired and killed the parish beadle, who came to quench the bonfire, they were driven back into the house. All parties, Dissenters as well as Churchmen, rejoiced in the acquittal; the bishops and their friends vainly laboured to temper the extravagance with which it was expressed.<sup>c</sup> The nuncio, at first touched by the effusion of popular feeling, but now shocked by this boisterous triumph, declared, "that the fires over the whole city, the drinking in every street, accompanied by cries to the health of the bishops and confusion to the Catholics, with the play of fireworks, and the discharge of fire-arms, and the other demonstrations of furious gladness, mixed with impious outrage against religion, which were continued during the night, formed a scene of unspeakable horror, displaying, in all its rancour, the malignity of this heretical people against the church."<sup>d</sup> The bonfires were kept up during the whole of Saturday, and the disorderly joys of the multitude did not cease till the dawn of Sunday reminded them of the duties of their religion.<sup>e</sup> The same rejoicings spread through the principal towns; and the grand jury of Middlesex refused to find indictments for a riot against those who tumultuously kindled the bonfire, though four times sent out with instructions to find them.<sup>f</sup> The Court also manifested its deep feelings on this oc-

<sup>a</sup> V. Citters,  $\frac{3}{13}$  July.

<sup>b</sup> Johnst. 2d July. Gerard, News Letter, 4th July.

<sup>c</sup> News Letter.

<sup>d</sup> D'Adda,  $\frac{6}{16}$  July.

<sup>e</sup> Ellis, iv. 110.

<sup>f</sup> Reresby, 265. Gerard's News Letter, 7th July.

casion. In two days after the acquittal, the rank of Baronet was conferred upon Williams; Powell for his honesty, and Holloway for his hesitation, were removed from the bench: the King betrayed the disturbance of his mind even in his camp<sup>a</sup>, and, though accustomed to unreserved conversation with Barillon, he observed a silence on the acquittal which that minister was too prudent to interrupt.<sup>b</sup>

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In order to form a just estimate of this memorable trial, it is necessary to distinguish its peculiar grievances from the evils which always attend the stricter administration of the laws against political libels. The doctrine that every writing which indisposes the people to the administration of the government, however subversive of all political discussion, is not one of these peculiar grievances; for it has often been held in other cases, and perhaps never distinctly disclaimed. The position that a libel may be conveyed in the form of a petition is true, though the case must be evident and flagrant which would warrant its application. The extravagances of Williams and Allibone might in strictness be laid out of the case, as peculiar to themselves, and not necessary to support the prosecution, were it not that they pointed out the threatening positions which success in that attack might encourage and enable the enemy to occupy. But it was absolutely necessary for the Crown to contend that the matter of the writing was so inflammatory as to change its character from a petition to a libel; that the intention in composing it was not to obtain relief, but to excite discontent; and that it was presented to the King to insult him, and to make its contents known to others. The attempt to extract such conclusions from the evidence against the bishops

<sup>a</sup> Reresby, ubi supra.

<sup>b</sup> Whitehall, 6th July. His Majesty has been pleased to remove Sir Richard Holloway and Sir John Powell from being justices of the King's Bench. Lond. Gazette. In the Life of James II. it is said that "the King gave no marks of his displeasure to the Judges Holloway and Powell;" ii. 163. It is due to the character of James, to say that this falsehood does not proceed from him; and justice requires it to be added, that as Dicconson, the compiler, thus evidently neglected the most accessible means of ascertaining the truth, very little credit is due to those portions of his narrative for which, as in the present case, he cites no authority.

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was an excess beyond the furthest limits of the law of libel, as it had even then been practised in any number of cases which could amount to authority. But the generous feelings of mankind did not so scrupulously weigh the demerits of the prosecution. The effect of the excess was to throw a strong light on all the odious qualities (hid from the mind in their common state by familiarity) of a jealous and restrictive legislation, directed against the free exercise of reason, and the fair examination of the interests of the community. All the vices of that distempered state in which a government cannot endure a fearless discussion of its principles and measures, appeared in the peculiar evils of a single conspicuous prosecution. The feelings of mankind, in this respect more provident than their judgment, saw, in the loss of every post, the danger to the last entrenchments of public liberty. At the moment, a multitude of circumstances, wholly foreign to its character as a judicial proceeding, gave the trial the strongest hold on the hearts of the people. Unused to popular meetings, and little accustomed to political writings, the whole nation looked on this first public discussion of their rights in a high place, and surrounded by the majesty of public justice, with that new and intense interest which it is not easy for those who are familiar with such scenes to imagine. It was the prosecution of men of the most venerable character and manifestly innocent intention, after the success of which no good man could have been secure. It was an experiment, in some measure, to ascertain the means and probabilities of deliverance. The government was on its trial; and by the verdict of acquittal, the King was justly convicted of a conspiracy to maintain usurpation by oppression.

The solicitude of Sunderland for moderation in these proceedings had exposed him to such charges of lukewarmness, that he deemed it necessary no longer to delay the long-promised and decisive proof of his identifying his interest with that of his master. Sacrifices of a purely religious nature cost him little.\*

\* "On ne scait pas de quelle religion il est." Lettre d'un Anonyme (peut-être Bonrepaux) sur la Cour de Londres, 1687. MSS. au Dépôt des Affaires Etrangères.

Some time before, he had compounded for his own delay by causing his eldest son to abjure Protestantism; "choosing rather," says Barillon, "to expose his son than himself to future hazard."

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The specious excuse of preserving his vote in Parliament had hitherto been deemed sufficient. The shame of apostasy, and an anxiety not to embroil himself irreparably with a Protestant successor, were the motives for delay. But nothing less than a public avowal of his conversion would now suffice to shut the mouths of his enemies, who imputed his advice of lenity towards the bishops to a desire of keeping measures with the adherents of the Prince of Orange.<sup>a</sup> It was accordingly in the week of the bishops' trial that he made public his renunciation of the Protestant religion, but without any solemn abjuration; because he had the year before secretly performed that ceremony to Father Petre.<sup>b</sup> By this measure he completely succeeded in preserving or recovering the favour of the King, who announced it with the warmest commendations to his Catholic counsellors, and told the nuncio that a resolution so generous and holy would very much contribute to the service of God. "I have, indeed, been informed," says that minister, "that some of the most fanatical merchants of the city have observed that the royal party must certainly be the strongest, since, in the midst of the universal exasperation of men's minds, it is thus embraced by a man so wise, prudent, rich, and well informed."<sup>c</sup> The Catholic courtiers also considered the conversion as an indication of the superior strength and approaching

Conversion  
of Sunder-  
land.

<sup>a</sup> "Il a voulu fermer la bouche à ses ennemis, et leur ôter toute prétexte de dire qu'il peut entrer dans sa conduite quelque menagement pour la partie de M. le Prince d'Orange."

Barillon, 29 June,  
8 July, 1688.

<sup>b</sup> Barill. ubi suprâ. "Father Petre, though it was irregular, was forced to say two masses in one morning, because Lord Sunderland and Lord Mulgrave were not to know of each other's conversion." Halifax MSS. The French ambassador at Constantinople informed Sir William Trumbull of the secret abjuration. Ibid. "It is now necessary," says V. Citters, "to secure the King's favour; the Queen's, if she be regent; and his own place in the Council of Regency, if there be one." V. Citters, 24 June,  
6 July.

<sup>c</sup> D'Adda, 29 June,  
9 July.

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triumph of their religion.<sup>a</sup> Perhaps, indeed, the birth of the Prince of Wales might have encouraged him to the step. But it chiefly arose from the prevalence of the present fear for his place over the apprehension of remote consequences. Ashamed of his conduct, he employed a friend to communicate his change to his excellent lady, who bitterly deplored it.<sup>b</sup> His uncle, Henry Sidney, the most confidential agent of the Prince of Orange, was incensed at his apostasy, and openly expressed the warmest wishes for his downfall.<sup>c</sup>

Birth of the  
Prince of  
Wales.

Two days after the imprisonment of the bishops, as if all the events which were to hasten the catastrophe of this reign, however various in their causes or unlike in their nature, were crowded into the same scene, the Queen was delivered in the palace of St. James's, of a son, whose birth had been the object of more hopes and fears, and was now the hinge on which greater events turned, than that of any other royal infant since human affairs have been recorded in authentic history. Never did the dependence of a monarchical government on physical accident more strikingly appear. On Trinity Sunday, the 10th of June<sup>d</sup>, between nine and ten in the morning, the Prince of Wales was born, in the presence of the Queen Dowager, of most of the Privy Council, and of several ladies of quality; of all, in short, who were the natural witnesses on such an occasion, except the Princess Anne, who was at Bath, and the Archbishop of Canterbury, who was a prisoner in the Tower. The cannons of the Tower were fired, a general thanksgiving was ordered, and the Lord Mayor was enjoined to give directions for bonfires and public rejoicing. Some addresses of congratulation followed; compliments were received on so happy an occasion from foreign powers. The British ministers abroad, in due time, celebrated the auspicious

<sup>a</sup> Johnst. 2d July.

<sup>b</sup> Johnst. ubi suprâ. Evelyn, who visited Althorp a fortnight after, alludes to it. "After a warm panegyric on Lady Sunderland (Lady Anne Digby) he says, 'I wish from my soul that the Lord her husband, whose parts are otherwise conspicuous, were as worthy of her, as by a fatal apostasy and court ambition he has made himself unworthy.'" Evelyn, 18th July, 1688.

<sup>c</sup> Johnst. ubi suprâ.

<sup>d</sup> In the Gregorian Calendar the 20th.



birth with undisturbed magnificence, at Rome ; amidst the loudest manifestations of dissatisfaction and apprehension at Amsterdam. From Jamaica to Madras, the distant dependencies, with which an unfrequent intercourse was then maintained by tedious voyages, continued their prescribed rejoicings long after other feelings openly prevailed in the mother country. The genius of Dryden, which often struggled with the difficulty of a task imposed, commemorated the birth of the “son of prayer” in no ignoble verse<sup>a</sup>, but with prophecies of glory which were speedily clouded, and in the end most signally disappointed. The universal belief that the child was supposititious is a fact which illustrates several principles of human nature, and affords a needful and wholesome lesson of scepticism, even in cases where many testimonies seem to combine, and all judgments for a time agree. The historians who wrote while the dispute was still pending enlarge on the particulars ; in our age, the only circumstances deserving preservation are those which throw light on the origin and reception of a false opinion which must be owned to have contributed to the subsequent events. Few births are so well attested as that of the unfortunate prince whom almost all English protestants then believed to be spurious. The Queen had, for months before, alluded to her pregnancy, in the most unaffected manner, to the Princess of Orange.<sup>b</sup> The delivery took place in the presence of many persons of unsuspected veracity, a considerable number of

<sup>a</sup> *Britannia Rediviva* :—

“ Born in broad daylight, that the ungrateful rout  
May find no room for a remaining doubt :  
Truth, which itself is light, does darkness shun,  
And the true eaglet safely dares the sun.  
Fain would the fiends have made a dubious birth.

\* \* \* \*

No future ills, nor accidents, appear,  
To sully or pollute the sacred infant's year.

\* \* \* \*

But kings too tame are despicably good.  
Be this the mixture of the regal child,  
By nature manly, but by virtue mild.”

<sup>b</sup> *Ellis's Letters*, iii. 348. (1st series, 1824.) 21st Feb., 15th May, and afterwards 6th July and 19th. The last is decisive.

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whom were protestants. Messengers were early sent to fetch Dr. Chamberlain, an eminent obstetrical practitioner, and a noted Whig, who had been oppressed by the King, and who would have been the last person summoned to be present at a pretended delivery.<sup>a</sup> But as "not one in a thousand" had credited the pregnancy, the public now looked at the birth with a strong predisposition to unbelief, which a very natural neglect suffered for some time to grow stronger from being uncontradicted. This prejudice was provoked to greater violence by the triumph of the Catholics, as suspicion had before been awakened by their bold predictions. The importance of the event had, at the earlier part of the pregnancy, produced mystery and reserve, the frequent attendants of fearful anxiety, which were eagerly seized on as presumptions of sinister purpose. When a passionate and inexperienced Queen disdained to take any measures to silence malicious rumours, her inaction was imputed to inability; when she submitted to the use of prudent precautions, they were represented as betraying the fears of conscious guilt: every act of the royal family had some handle by which ingenious hostility could turn it against them. Reason was employed only to discover argument in support of the judgment which passion had pronounced. In spite of the strongest evidence, the Princess Anne honestly persevered in her incredulity.<sup>b</sup> Johnstone, who received minute information of all the particulars of the delivery from one of the Queen's attendants<sup>c</sup>, could not divest himself of suspicions, of which the good faith seems to be proved by his not hazarding a positive judgment on the subject. The slightest incidents of a lying-in room were darkly coloured by his suspicions. It is evident that no incidents in human life could have stood the test of a trial by minds so prejudiced, especially as long as adverse scrutiny has the advantages of partial selection and skilful in-

<sup>a</sup> Dr. Chamberlain's Letter to the Princess Sophia. Dalrymple, Append.

<sup>b</sup> Princess Anne to Princess of Orange. Ibid.

<sup>c</sup> Johnst. June 13. Mrs. Dawson, one of the gentlewomen of the Queen's bedchamber, a Protestant, afterwards examined before the privy council; who communicated all the circumstances to her friend, Mrs. Baillie, of Jerviswood, Johnstone's sister.

sinuation, undisturbed by full discussion, in which all circumstances are equally sifted. When the before-mentioned attendant of the Queen declared to a large company of gainsayers that "she would swear," as she afterwards did, "that the Queen had a child," it was immediately said, "How ambiguous is her expression! the child might have been born dead." At one moment he boasts of the universal unbelief; at another he is content with saying that even wise men see no evidence of the birth; that, at all events, there is doubt enough to require a parliamentary enquiry, and that the general doubt may be lawfully employed as an argument by those who, even if they do not share it, did nothing to produce it.\* He sometimes endeavours to stifle his own scepticism by public opinion, and on other occasions has recourse to these very ambiguous maxims of factious casuistry; but the whole tenour of his confidential letters shows the groundless unbelief in the prince's legitimacy to have been as spontaneous as it was general. Various and even contradictory accounts of the supposed imposture were circulated. It was said that the Queen was never pregnant; that she had miscarried at Easter; that one child, and by some accounts two children, in succession, had been substituted in the room of the abortion. That these tales contradicted each other, was a very slight objection in the eye of a national prejudice. The people were very slow in seeing the contradiction. Some had heard only one story, some jumbled parts of more together. The zealous, when beat out of one version, retired upon another. The skilful chose that which, like the abortion, of which there had actually been a danger, had some apparent support from facts. When driven successively from every post, they took refuge in the general remark, that so many stories must have a foundation; that they all coincided in the essential circumstance of a supposititious birth, though they differed in facts of inferior moment; that the King deserved, by his other breaches of faith, the humiliation which he now underwent; that the natural punishment of

\* Johnst. 18th June.

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those who have often deceived is to be disbelieved when they speak truth. It is the policy of most parties not to discourage zealous partisans. The multitude considered every man who hesitated in thinking the worst of an enemy, as his abettor; and the loudness of the popular cry subdued the remains of candid doubt in those who had at first, from policy, countenanced, though they did not contrive, the delusion. At subsequent times, it was not thought the part of a good citizen to take away any prop from the Revolution, and to detect a prevalent error, which afforded a justification of it, which, though ignoble, enabled the partisans of inviolable succession to adhere to it without inconsistency during the reign of Anne.<sup>a</sup> By a belief in the spuriousness of the Prince of Wales, the house of Hanover were brought more near to an hereditary right. Johnstone, on the spot, and at the moment, almost worked himself into a belief of it; Lloyd, bishop of St. Asaph, honestly adhered to it many years after.<sup>b</sup> The collection of inconsistent rumours on this subject by Burnet reflects more on his judgment than any other passage of his history; yet, zealous as he was, his conscience would not allow him to profess his own belief in what was still a fundamental article of the creed of his party. Echard, under George I., intimates his disbelief, for which he is almost rebuked by Kennet. The upright and judicious Rapin, though a French Protestant, an officer in the army led by the Prince of Orange into England, yet, in the liberty of his foreign retirement, gave an honest judgment against his prejudices. Both parties, on this subject, so exactly believed what they wished, that perhaps scarcely any individual before him examined it on grounds of reason. The Catholics were right by chance, and by chance the Protestants were wrong. Had it been a case of the temporary success of artful impostures, so common an occurrence would have

<sup>a</sup> Caveat against the Whigs, part ii. 50., where the question is left in doubt at the critical period of 1712.

<sup>b</sup> See his account, adverted to by Burnet and others, published by Oldmixon, i. 734. "The bishop whom your friends know, bids me tell them that he had met with neither man nor woman who were so good as to believe the Prince of Wales to be a lawful child." Johnst. 2d July. This bold bishop was probably Compton.

deserved no notice. But the growth of a general delusion from the prejudice and passion of a nation, and the deep root which enabled it to keep a place in history for half a century, render this transaction worthy to be remembered by posterity.

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The triumph of the Bishops did not terminate all proceedings of the ecclesiastical commissioners against the disobedient clergy. They issued an order<sup>a</sup> requiring the proper officers in each diocese to make a return of the names of those who had not read the royal declaration. On the day before that which was fixed for the giving in the return, a meeting of chancellors and archdeacons was held, at which eight agreed to return that they had no means of procuring the information but at their regular visitation, which did not fall within the appointed time. Six declined to make any return; and five excused themselves on the plea that the order had not been legally served upon them.<sup>b</sup> The commissioners were now content to shut their eyes on lukewarmness, resistance, or evasion. They affected a belief in the reason assigned for non-compliance, directed a return to be made on the 6th of December, and appointed a previous day for a visitation.<sup>c</sup> On the day when they exhibited these symptoms of debility and decay, they received a letter from Sprat, tendering the resignation of his seat at their board, which was universally regarded as foreboding their speedy dissolution<sup>d</sup>; and the last dying effort of their usurped authority was to adjourn to a day on which they were destined never to meet. Such, indeed, was the discredit into which these proceedings had fallen, that the Bishop of Chichester had the spirit to suspend one of his clergy for obedience to the King's order in reading the royal declaration.<sup>e</sup> The Court and the Church contended with each other for the alliance of the Dissenters, but with

<sup>a</sup> 12th July, Lond. Gaz.

<sup>b</sup> Sayers' News Letter, 18th August.

<sup>c</sup> 16th August, London Gazette.

<sup>d</sup> Sayers' News Letter, 22d August. "The secretary gave this letter to the chancellor, who swore that the bishop was mad. He gave it to the lord president, but it was never read to the board." Such was then the disorder in their minds and in their proceedings.

<sup>e</sup> Sayers' News Letter, 19th Sept., Kenn. iii. 515. note; in both which, the date of Sprat's letter is 15th August, 1688, the day before the last meeting of the commissioners.

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very unequal success. The last attempt of the King to gain them, was the admission into the privy council of three gentlemen, who were either Nonconformists, or well disposed towards that body, — Sir John Trevor, Colonel Titus, and Mr. Vane, the posthumous son of the celebrated Sir Henry Vane.<sup>a</sup> In the mean time, the Church took better means to unite all Protestants against a usurpation which clothed itself in the garb of religious liberty. The established clergy held several consultations on the mode of coming to a better understanding with the Dissenters.<sup>b</sup> The archbishop and clergy of London had several conferences with the principal dissenting ministers on the measures fit to be proposed about religion in the next parliament.<sup>c</sup> The primate himself issued admonitions to his clergy, in which he exhorted them to have a very tender regard to their brethren, the Protestant Dissenters, and to entreat them to join in prayer for the union of all reformed churches “at home and abroad, against the common enemy<sup>d</sup>,” conformably to the late petition of himself and his brethren, in which they had declared their willingness to come into such a temper as should be thought fit with the Dissenters, when that matter should be considered in parliament and convocation. He even carried this new-born tenderness towards the long persecuted Dissenters so far as to renew those projects for uniting the more moderate of them to the Church, by some concessions relating to the terms of worship, and for exempting those whose scruples were insurmountable from the severity of penal laws, which had been smothered by his friends, when they were negotiated by Hale and Baxter in the preceding reign; and, within a few months after, these amicable overtures were again resisted, by the same party, with too much success. The disaffection of the Church manifested itself in several instances. The University of Oxford refused so small a compliance as that of conferring the decree of doctor of divinity on their bishop, according to the royal manda-

<sup>a</sup> 6th July, Lond. Gaz.<sup>c</sup> News Letter, 21st July. Ellis, iv. 117. (2d series.)<sup>b</sup> Sayers' News Letter, 7th July.<sup>d</sup> Dooley, i. 324.

mus<sup>a</sup>, and hastened to elect the young Duke of Ormond to be their chancellor on the death of his grandfather, in order to escape the imposition of Jeffreys, for whom they apprehended a recommendation from the Court.

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Several symptoms now indicated that the national discontents had infected the armed force. The seamen in the squadron at the Nore received some monks who were sent to officiate among them with boisterous marks of derision and aversion; and, though the tumult was composed by the presence of the King, it left behind dispositions favourable to the purposes of disaffected officers. His proceedings respecting the army were uniformly impolitic. He had, very early, boasted of the number of soldiers in the guards who were converted to his religion; thus disclosing to them the dangerous secret of their importance to his designs.<sup>b</sup> This sensibility to the misfortunes of the Bishops, shown at the Tower and at Lambeth, betokened a proneness to fellow-feeling with the people, which Sunderland had before intimated to the nuncio, and of which he probably forewarned his master. After the triumph of these prelates, on occasion of which the feelings of the army declared themselves more loudly, the King had recourse to the very doubtful expedient of paying open court to them. He dined twice a week in the camp<sup>c</sup>, and showed an anxiety to ingratiate himself with them by a display of affability, of precautions for their comfort, and of pride in their discipline and appearance. Without the boldness which quells a mutinous spirit, or the firmness which, where activity would be injurious, can quietly look at a danger till it disappears or may be surmounted, he yielded to the restless fearfulness which seeks a momentary relief in rash and mischievous efforts, that rouse many rebellious tempers and subdue none. A written test was prepared, which even the privates were required to subscribe<sup>d</sup>, by which they bound themselves to contribute to the repeal of the penal laws. It was first to be tendered to some regiments who were most expected to set a good example to the

<sup>a</sup> Sayers' News Letter, 25th July.

<sup>c</sup> Ellis, iv. News Letter, iii.

<sup>b</sup> D'Adda, 5th Dec. 1687.

<sup>d</sup> Johnst. 2d July. Oldmix. i. 739.

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army. The experiment was tried on Lord Lichfield's regiment, and all those who hesitated in complying with his Majesty's commands were commanded to lay down their arms: the whole regiment, except two captains and a few Catholic soldiers, actually laid down their arms. The King was thunderstruck; and, after a gloomy moment of silence, ordered them to take up their muskets, saying, "that he should not again do them the honour to consult them."<sup>a</sup> When the troops returned from the encampment to their quarters, another plan was attempted for securing their fidelity, by the introduction of trustworthy recruits. With this view, fifty Irish Catholics were ordered to be equally distributed among the ten companies of the Duke of Berwick's regiment at Portsmouth, which, having a colonel incapacitated by law, was expected to be better disposed to the reception of recruits liable to the same objection. But the experiment was too late, and conducted with a slow formality alien from the genius of soldiers. The officers were now actuated by the same sentiments with their own class in society. Beaumont, the lieutenant-colonel, and the five captains who were present, positively refused to comply. They were brought from Windsor under an escort of cavalry, tried by a council of war, and sentenced to be cashiered. The King relented, or rather faltered. He offered pardon, on condition of obedience; a fault as great as the original attempt. They all refused. The greater part of the other officers of the regiment threw up their commissions; and, instead of intimidation, a great and general discontent was spread throughout the army. To the odium incurred by an attempt to recruit it from those who were deemed the most hostile of foreign enemies, was superadded the contempt which feebleness in the execution of obnoxious designs never fails to inspire.<sup>b</sup>

<sup>a</sup> Kennet, iii. 516. Ralph speaks doubtfully of this scene, of which, indeed, no writer has mentioned the place or time. The written test is confirmed by Johnstone, and Kennet could hardly have been deceived about the sequel. The place must have been the camp at Hounslow, and the time was probably about the middle of July.

<sup>b</sup> Reresby, 270—272; who seems to have been a captain in this regiment. Burnet, iii. 272.



Thus, in the short space of three years from the death of Monmouth and of the destruction of his adherents, when all who were not zealously attached to the Crown seemed to be dependent on its mercy, were all ranks and parties of the English nation, without any previous show of turbulence, and with not much of that cruel oppression of individuals which is usually necessary to awaken the passions of a people, slowly and almost imperceptibly conducted to the brink of a great revolution. The appearance of the Prince of Wales filled the minds of those who believed his legitimacy with terror, and roused the warmest indignation of those who considered his supposed birth as a flagitious imposture. Instead of the government of a Protestant successor, it presented, after the death of James, no prospect but an administration certainly not more favourable to religion and liberty, under the regency of the Queen, and in the reign of a prince educated under her superintendence. These apprehensions had been brought home to the feelings of the people by the trial of the Bishops, and they at last affected even the army, the last resource of power ; a tremendous weapon, which cannot burst without threatening destruction to all around, and which, if it were not sometimes happily so overcharged as to recoil on him who wields it, would rob all the slaves in the world of hope, and all the freemen of safety. The state of the other British kingdoms was not such as to abate the alarms of England. In Ireland the government of Tyrconnel was always sufficiently in advance of the English minister to keep the eyes of the nation fixed on the course which their rulers were steering.\* Its influence in spreading alarm and disaffection through the other dominions of the King, is confessed by the ablest and most zealous of his apologists. Scotland was

\* " I do not vindicate all that Lord Tyrconnel, and others, did in Ireland before the Revolution, which, most of any thing, brought it on. I am sensible that their carriage gave greater occasion to King James's enemies than all the other mal-administrations charged upon his government." Leslie, Answer to King's State of the Protestants, 73. Leslie is the ablest of James's apologists. He skilfully avoids all the particulars of Tyrconnel's government before the Revolution. That silence, and this general admission, may be considered as conclusive evidence against it.

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also a mirror in which the English nation might behold their approaching doom. The natural tendency of the dispensing and suspending powers to terminate in the assumption of the whole authority of legislation, was visible in the declarations of indulgence issued in that kingdom. They did not, as in England, profess to be founded on limited and peculiar prerogatives of the King, either as the head of the Church or as the fountain of justice, nor on usages and determinations which, if they sanctioned such acts of power, at least confined them within fixed boundaries, but upon what the King himself displayed, in all its amplitude and with all its terrors, as "our sovereign authority, prerogative royal, and absolute power, which all our subjects are bound to obey without reservation."<sup>a</sup> In the exercise of this alarming power, not only were all the old oaths taken away, but a new oath, professing passive obedience, was proposed as the condition of toleration. A like declaration of 1688, besides the repetition of so high an act of legislative power as that of "annulling" oaths which the legislature had prescribed, proceeds to dissolve all the courts of justice and bodies of magistracy in that kingdom, in order that by their acceptance of new commissions conformably to the royal pleasure, they might renounce all former oaths, so that every member of them would hold his office under the suspending and even annulling powers, on the legitimacy of which the whole judicature and administration of the realm would thus exclusively rest.<sup>b</sup> Blood had ceased to flow for religion, and the

<sup>a</sup> Proclamation, 12th February, 1687. Woodrow, ii., App. No. cxxix. "We here in England see what we must look to. A parliament in Scotland proved a little stubborn; now *absolute power* comes to set all right; so when the closeting has gone round, we may perhaps see a parliament here; but if it chance to be untoward, then our reverend Judges will copy from Scotland, and will discover to us this new mystery of absolute power, which we are all obliged to obey without reserve." Burnet's Reflections on Proclam. for Toleration. Eighteen Papers on Affairs of State, 10. Lond. 1689.

<sup>b</sup> Proclamation, 15th May. Woodrow, ii., App. No. cxxxviii. Fountainhall, i. 504. The latter writer informs us, that "this occasioned several sheriffs to forbear awhile." Perth, the Scotch chancellor, who carried this Declaration to Scotland, assured the nuncio, before leaving London, "that the royal prerogative was then so extensive as not to require the concurrence of parliament, which was only an useful corroboration." D'Adda, <sup>11</sup>/<sub>21</sub> May, 1688.

execution of Renwick<sup>a</sup>, a pious and intrepid minister, who, according to the principles of the most zealous party among the Presbyterians<sup>b</sup>, openly denied James II. to be his rightful sovereign, is rather an apparent than a real exception; for the offence imputed to him was not of a religious nature, and must have been punished by every established authority, though an impartial observer would rather regret the imprudence than question the justice of such a declaration from the mouths of these persecuted men. Books against the King's religion were reprehended or repressed by the Privy Council.<sup>c</sup> Barclay, the celebrated Quaker, was at this time in such favour, that he not only received a liberal pension, but had influence enough to procure an indecent but successful letter from the King to the Court of Session, in effect annulling a judgment for a large sum of money against Sir Ewen Cameron, a bold and fierce chieftain, who was the brother-in-law of the accomplished and pacific apologist.<sup>d</sup> Though the clergy of the Established Church had two years before resisted an unlimited toleration by prerogative, yet we are assured by a competent witness, that their opposition arose chiefly from the fear that it would encourage the unhappy Presbyterians, then almost entirely ruined, and scattered through the world.<sup>e</sup> The deprivation of two prelates, Bruce, Bishop of Dunkeld, for his conduct in Parliament, and Cairncross, Archbishop of Glasgow, in spite of subsequent submission, for not censuring a preacher against the Church of Rome<sup>f</sup>, showed the English clergy that suspensions like that of Compton might be followed by more decisive measures, but seems to have silenced the complaints of the Scottish Church. From that time, at least, their resistance to the Court entirely ceased. It was followed by symptoms of an opposite

<sup>a</sup> 17th February, 1688. Fountainhall. Woodrow.

<sup>b</sup> Called Cameronians.

<sup>c</sup> A bookseller in Edinburgh, "threatened for publishing an account of the persecution in France." Fountainhall, 8th Feb. 1688. Cockburn, a minister, forbidden to continue a Review, taken chiefly from Le Clerc's "Bibliothèque Universelle," containing some Extracts from Mabillon's *Iter Italicum*, which were supposed to reflect on the Church of Rome.

<sup>d</sup> Fountainhall, 2d June, 1688.

<sup>e</sup> Balcarras, *Affairs of Scotland*, 8. Lond. 1714.

<sup>f</sup> Skinner, *Eccles. Hist. of Scotland*, ii. 500—504.

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disposition. Among these may probably be reckoned the otherwise inexplicable return to the office of Lord Advocate of the eloquent Sir George Mackenzie, their principal instrument in the cruel persecution of the Presbyterians, who now accepted that station<sup>a</sup> at the moment of the triumph of those principles which he had forfeited the same office by opposing two years before. The Primate prevailed on the University of St. Andrews to declare, by an address to the King, their opinion that he might take away the penal laws without the consent of Parliament.<sup>b</sup> No manifestation of sympathy appears to have been made towards the English Bishops, at the moment of their danger or of their triumph, by their brethren in Scotland. At a subsequent period, when the Prelates of England offered wholesome and honest counsel to their Sovereign, those of Scotland presented an address to him, in which they prayed that "God might give him the hearts of his subjects and the necks of his enemies."<sup>c</sup> In the awful struggle in which the English nation and Church were about to engage, they had to number the Established Church of Scotland among their enemies.

<sup>a</sup> 23d Feb. 1688. Fountainhall.

<sup>c</sup> 3d Nov. 1688. Skinner, ii. 513.

<sup>b</sup> Fountainhall, 29th March, 1688.

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DOCTRINE OF OBEDIENCE.—RIGHT OF RESISTANCE.—COMPARISON OF FOREIGN AND  
CIVIL WAR.—RIGHT OF CALLING AUXILIARIES.—RELATIONS OF THE PEOPLE OF  
ENGLAND AND OF HOLLAND.

THE time was now come when the people of England were called upon to determine, whether they should by longer submission sanction the usurpations and encourage the further encroachments of the Crown, or take up arms against the established authority of their Sovereign for the defence of their legal rights, as well as of those safeguards which the constitution had placed around them. Though the solution of this tremendous problem requires the calmest exercise of reason, the circumstances which bring it forward commonly call forth mightier agents, which disturb and overpower the action of the understanding. In conjunctures so awful, where men feel more than they reason, their conduct is chiefly governed by the boldness or wariness of their nature, by their love of liberty or their attachment to quiet, by their proneness or slowness to fellow-feeling with their countrymen. The generous virtues and turbulent passions rouse the brave and aspiring to resistance; some gentle virtues and useful principles second the qualities of human nature in disposing many to submission. The duty of legal obedience seems to forbid that appeal to arms which the necessity of preserving law and liberty allows, or rather demands. In such a conflict there is little quiet left for moral deliberation. Yet by the immutable principles of morality, and by them alone, must the historian try the conduct of all men, before he allows himself to consider all the circumstances of time, place, opinion, example, temptation, and obstacle, which, though they never authorise a removal of the everlasting landmarks of right and

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obedience.

wrong, ought to be well weighed, in allotting a due degree of commendation or censure to human actions.

The English law, like that of most other countries, lays down no limits of obedience. The clergy of the Established Church, the authorised teachers of public morality, carried their principles much farther than was required by a mere concurrence with this cautious silence of the law. Not content with inculcating, in common with all other moralists, religious or philosophical obedience to civil government as one of the most essential duties of human life, the English Church perhaps alone had solemnly pronounced that in the conflict of obligations no other rule of duty could, under any circumstances, become more binding than that of allegiance. Even the duty which seems paramount to every other, that which requires every citizen to contribute to the preservation of the community, ceased, according to their moral system, to have any binding force, whenever it could not be performed without resistance to established government. Regarding the power of a monarch as more sacred than the paternal authority from which they vainly laboured to derive it, they refused to nations oppressed by the most cruel tyrants\* those rights of self-defence which no moralist or lawgiver had ever denied to children against unnatural parents. To palliate the extravagance of thus representing obedience as the only duty without an exception, an appeal was made to the divine origin of government, as if every other moral rule were not, in the opinion of all theists, equally enjoined and sanctioned by the Deity. To denote these singular doctrines, it was thought necessary to devise the terms of passive obedience and non-resistance, uncouth and jarring forms of speech, not unfitly representing a violent departure from the general judgment of mankind. This attempt to exalt submission so high as to be always the highest duty, constituted the undistinguishing loyalty of which the Church of England boasted as her exclusive attribute, in contradistinction to the other reformed

\* Interpretation of Romans, xiii. 1—7., written under Nero. Among many others, South, Sermon, 5th Nov. 1663.

communions, as well as to the Church of Rome. At the dawn of the Reformation it was promulgated in the homilies or discourses appointed by the Church to be read from the pulpit to the people<sup>a</sup>, and all deviations from it had been recently condemned by the University of Oxford with the solemnity of a decree from Rome or from Trent.<sup>b</sup> The seven Bishops themselves, in the very petition which brought the contest with the Crown to a crisis, boasted of the inviolable obedience of their church, and of the honour conferred on them by the King's repeated acknowledgments of it. Nay, all the ecclesiastics and the principal laymen of the Church had recorded their adherence to the same principles, in a still more solemn and authoritative mode. By the Act of Uniformity<sup>c</sup>, which restored the legal establishment of the episcopal church, it was enacted that every clergyman, schoolmaster, and private tutor should subscribe a declaration, affirming that "it was not lawful on any pretext to take up arms against the King," which members of corporation<sup>d</sup> and officers of militia<sup>e</sup> were by other statutes of the same period compelled to swear; to say nothing of the still more comprehensive oath which the high-church leaders, thirteen years before the trial of the Bishops, had laboured to impose on all public officers, magistrates, ecclesiastics, and members of both Houses of Parliament.<sup>b</sup>

That no man can lawfully promise what he cannot lawfully do, is a self-evident proposition. That there are some duties superior to others, will be denied by no one; and that when a contest arises the superior ought to prevail, is implied in the terms by which the duties are described. It can hardly be doubted that the highest obligation of a citizen is that of contributing to preserve the community; and that every other political duty, even that of obedience to the magistrates, is derived from and must be subordinate to it. It is a necessary consequence of these simple truths, that no man who deems self-defence lawful in his own case, can, by any

Right of  
resistance.

<sup>a</sup> Homilies of Edw. VI. and Eliz.

<sup>c</sup> 14 Ch. II. c. 4.

<sup>d</sup> 14 Ch. II. c. 3.

<sup>b</sup> Parl. Hist. 20th July, 1688.

<sup>e</sup> 13 Ch. II. st. ii. c. 1.

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engagement, bind himself not to defend his country against foreign or domestic enemies. Though the opposite propositions really involve a contradiction in terms, yet declarations of their truth were imposed by law, and oaths to renounce the defence of our country were considered as binding, till the violent collision of such pretended obligations with the security of all rights and institutions awakened the national mind to a sense of their repugnance to the first principles of morality. Maxims, so artificial and overstrained, which have no more root in nature than they have warrant from reason, must always fail in a contest against the affections, sentiments, habits, and interests which are the motives of human conduct, leaving little more than compassionate indulgence to the small number who conscientiously cling to them, and fixing the injurious imputation of inconsistency on the great body who forsake them for better guides.

The war of a people against a tyrannical government may be tried by the same tests which ascertain the morality of a war between independent nations. The employment of force in the intercourse of reasonable beings is never lawful, but for the purpose of repelling or averting wrongful force. Human life cannot lawfully be destroyed, or assailed, or endangered, for any other object than that of just defence. Such is the nature and such the boundary of legitimate self-defence, in the case of individuals. Hence the right of the lawgiver to protect unoffending citizens by the adequate punishment of crimes: hence, also, the right of an independent state to take all measures necessary to her safety, if it be attacked or threatened from without; provided always that reparation cannot otherwise be obtained, that there is a reasonable prospect of obtaining it by arms, and that the evils of the contest are not probably greater than the mischiefs of acquiescence in the wrong; including, on both sides of the deliberation, the ordinary consequences of the example, as well as the immediate effects of the act. If reparation can otherwise be obtained, a nation has no necessary, and therefore no just cause of war; if there be no probability of obtaining it by arms, a government cannot, with justice



to their own nation, embark it in war ; and if the evils of resistance should appear, on the whole, greater than those of submission, wise rulers will consider an abstinence from a pernicious exercise of right as a sacred duty to their own subjects, and a debt which every people owes to the great commonwealth of mankind, of which they and their enemies are alike members. A war is just against the wrongdoer when reparation for wrong cannot otherwise be obtained ; but it is then only conformable to all the principles of morality, when it is not likely to expose the nation by whom it is levied to greater evils than it professes to avert, and when it does not inflict on the nation which has done the wrong sufferings altogether disproportioned to the extent of the injury. When the rulers of a nation are required to determine a question of peace or war, the bare justice of their case against the wrongdoer never can be the sole, and is not always the chief, matter on which they are morally bound to exercise a conscientious deliberation. Prudence in conducting the affairs of their subjects is, in them, a part of justice.

On the same principles the justice of a war made by a people against their own government must be examined. A government is entitled to obedience from the people, because without obedience it cannot perform the duty, for which alone it exists, of protecting them from each other's injustice. But when a government is engaged in systematically oppressing a people, or in destroying their securities against future oppression, it commits the same species of wrong towards them which warrants an appeal to arms against a foreign enemy. A magistrate who degenerates into a systematic oppressor shuts the gates of justice on the people, and thereby restores them to their original right of defending themselves by force. As he withholds the protection of law from them, he forfeits his moral claim to enforce their obedience by the authority of law. Thus far civil and foreign war stand on the same moral foundation. The principles which determine the justice of both against the wrongdoer are, indeed, throughout, the same. But there are certain peculiarities, of great importance in

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Comparison  
of foreign  
and civil  
war.

point of fact, which in other respects permanently distinguish them from each other. The evils of failure are greater in civil than in foreign war. A state generally incurs no more than loss in war. A body of insurgents is exposed to ruin. The probabilities of success are more difficult to calculate in cases of internal contest than in a war between states, where it is easy to compare those merely material means of attack and defence which may be measured or numbered. An unsuccessful revolt strengthens the power and sharpens the cruelty of the tyrannical ruler, while an unfortunate war may produce little of the former evil and of the latter nothing. It is almost peculiar to intestine war that success may be as mischievous as defeat. The victorious leaders may be borne along by the current of events far beyond their destination; a government may be overthrown which ought to have been repaired; and a new, perhaps a more formidable, tyranny may spring out of victory. A regular government may stop before its fall becomes precipitate, or check a career of conquest when it threatens destruction to itself. But the feeble authority of the chiefs of insurgents is rarely able, in the one case, to maintain the courage, in the other to repress the impetuosity, of their voluntary adherents. Finally, the cruelty and misery incident to all warfare are greater in domestic dissension than in contests with foreign enemies. Foreign wars have little effect on the feelings, habits, or condition of the majority of a great nation, to most of whom the worst particulars of them may be unknown. But civil war brings the same or worse evils into the heart of a country and into the bosom of many families: it eradicates all habits of recourse to justice and reverence for law; its hostilities are not mitigated by the usages which soften wars between nations; it is carried on with the ferocity of parties who apprehend destruction from each other; and it may leave behind it feuds still more deadly, which may render a country depraved and wretched through a long succession of ages. As it involves a wider waste of virtue and happiness than any other species of war, it can only be warranted by the sternest and most dire necessity. The chiefs of a justly disaffected

party are unjust to their fellows and their followers, as well as to all the rest of their countrymen, if they take up arms in a case where the evils of submission are not more intolerable, the impossibility of reparation by pacific means more apparent, and the chances of obtaining it by arms greater than are necessary to justify the rulers of a nation towards their own subjects for undertaking a foreign war. A wanton rebellion, when considered with the aggravation of its ordinary consequences, is one of the greatest of crimes. The chiefs of an inconsiderable and ill-concerted revolt, however provoked, incur the most formidable responsibility to their followers and their country. An insurrection rendered necessary by oppression, and warranted by a reasonable probability of a happy termination, is an act of public virtue, always environed with so much peril as to merit admiration.

In proportion to the degree in which a revolt spreads over a large body till it approaches unanimity, the fatal peculiarities of civil war are lessened. In the insurrection of provinces, either distant or separated by natural boundaries, more especially if the inhabitants, differing in religion and language, are rather subjects of the same government than portions of the same people, hostilities which are waged only to sever a legal tie may assume the regularity, and in some measure the mildness, of foreign war. Free men, carrying into insurrection those habits of voluntary obedience to which they have been trained, are more easily restrained from excess by the leaders in whom they have placed their confidence. Thus far it may be affirmed, happily for mankind, that insurgents are most humane where they are likely to be most successful. But it is one of the most deplorable circumstances in the lot of man, that the subjects of despotic governments, and still more those who are doomed to personal slavery, though their condition be the worst, and their revolt the most just against their tyrants, are disabled to conduct it to a result beneficial to themselves by the very magnitude of the evils under which they groan; for the most fatal effect of the yoke is, that it darkens the understanding and debases the soul, and that the victims of long

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oppression, who have never imbibed any noble principle of obedience, throw off every curb when they are released from the chain and the lash. In such wretched conditions of society, the rulers may, indeed, retain unlimited power as the moral guardians of the community, while they are conducting the arduous process of gradually transforming slaves into men; they cannot justly retain it without that purpose, or longer than its accomplishment requires; and the extreme difficulty of such a reformation, as well as the dire effects of any other emancipation, ought to be deeply considered, as proofs of the enormous guilt of those who introduce any kind or degree of unlimited power, as well as of those who increase, by their obstinate resistance, the natural obstacles to the pacific amendment of evils so tremendous.

The frame of the human mind, and the structure of civilised society, have adapted themselves to the important differences between civil and foreign war. Such is the force of the considerations which have been above enumerated; so tender is the regard of good men for the peace of their native country, so numerous are the links of interest and habit which bind those of a more common sort to an establishment, so difficult and dangerous is it for the bad and bold to conspire against a tolerably vigilant administration; the evils which exist in moderate governments appear so tolerable, and those of absolute despotism so incorrigible, that the number of unjust wars between states unspeakably surpasses those of wanton rebellions against the just exercise of authority. Though the maxim, that there are no unprovoked revolts, ascribed to the Duc de Sully, and adopted by Mr. Burke\*, cannot be received without exceptions, it must be owned that in civilised times mankind have suffered less from a mutinous spirit than from a patient endurance of bad government.

Neither can it be denied that the objects for which revolted subjects take up arms do, in most cases, concern their safety and well-being more deeply than the interests of states are in general

\* L'Ecluse, Mém. de Sully. Burke, Thoughts on the present Discontents.

affected by the legitimate causes of regular war. A nation may justly make war for the honour of her flag, or for dominion over a rock, if the one be insulted, and the other be unjustly invaded; because acquiescence in the outrage or the wrong may lower her reputation, and thereby lessen her safety. But if these sometimes faint and remote dangers justify an appeal to arms, shall it be blamed in a people who have no other chance of vindicating the right to worship God according to their consciences, to be exempt from imprisonment and exaction at the mere will and pleasure of one or a few, to enjoy as perfect a security for their persons, for the free exercise of their industry, and for the undisturbed enjoyment of its fruits, as can be devised by human wisdom under equal laws and a pure administration of justice? What foreign enemy could do a greater wrong to a community than the ruler who would reduce them to hold these interests by no higher tenure than the duration of his pleasure? What war can be more necessary than that which is waged in defence of ancient laws and venerable institutions, which, as far as they were suffered to act, had for ages approved themselves to be the guard of all these sacred privileges, the shield which protects reason in her fearless search of truth, and conscience in the performance of her humble duty towards God; the spur which rouses to the utmost every faculty of man; the nursery of genius and valour, the spur of probity, humanity, and generosity?

As James was unquestionably an aggressor, and the people of England drew their swords only to prevent him from accomplishing a revolution which should change a legal and limited power into lawless despotism, it is needless, on this occasion, to moot the question, whether arms may be as justly wielded to obtain as to defend liberty. It may, however, be observed, that the rulers who obstinately persist in withholding from their subjects securities for good government, obviously necessary for the permanence of that blessing, generally desired by competently informed men, and capable of being introduced without danger to public tranquillity, appear thereby to place themselves in a state of hostility against

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the nation whom they govern. Wantonly to prolong a state of insecurity seems to be as much an act of aggression as to plunge a nation into that state ; when a people discover their danger, they have a moral claim on their governors for security against it. As soon as a distemper is discovered to be dangerous, and a safe and effectual remedy has been found, those who withhold the remedy are as much morally answerable for the deaths which may ensue as if they had administered poison.

But though a reformatory revolt may in these circumstances become perfectly just, it has not the same likelihood of a prosperous issue with those insurrections which are more strictly and directly defensive. A defensive revolution, of which the sole purpose is to preserve and secure the laws, has a fixed boundary, conspicuously marked out by the well-defined object which it pursues, and which it seldom permanently over-reaches ; and is thus exempt from that succession of changes which disturbs all habits of peaceable obedience, and weakens every authority not resting on mere force. Whenever war is justifiable, it is lawful to call in auxiliaries. But though always legitimate against a foreign or domestic enemy, it is often in civil contentions peculiarly dangerous to the wronged people themselves. It exposes them to the peril of becoming the slaves of the foreign prince who enters as their ally ; it must always hazard national independence, and will therefore be the last resource of those who love their country. Good men, more especially if they are happy enough to be the natives of a civilised, and still more of a free country, religiously cultivate their natural repugnance to a remedy of which despair alone can warrant the employment. Yet the dangers of seeking foreign aid vary extremely in different circumstances. These variations are chiefly regulated by the power, the interest, and the probable disposition of the auxiliary to become an oppressor. The perils are the least where the inferiority of national strength in the foreign ally is such as to forbid all projects of conquest, and where the independence and greatness of the nation to be succoured are the main or sole bulwarks of his own.

Right of  
calling in  
auxiliaries.

These fortunate peculiarities were all to be found in the relations between the people of England and the republic of the United Provinces; and the two nations were further united by their common apprehensions from France, by no obscure resemblance of national character, by the strong sympathies of religion and liberty, by the remembrance of the renowned reign in which the glory of England was founded on her aid to Holland, and perhaps, also, by the esteem for each other which both these maritime nations had learned in the fiercest and most memorable combats which had been then celebrated in the annals of naval warfare.

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Relation of  
the people  
of England  
and of Hol-  
land.

The British people derived a new security against the dangers of foreign interposition from the situation of him who was to be the chief of the enterprise to be attempted for their deliverance, who had as deep an interest in their safety and well-being as in those of the nation whose forces he was to lead to their aid. William of Nassau, Prince of Orange, Stadtholder of the republic of the United Provinces, was, before the birth of the Prince of Wales, first prince of the blood royal of England; and his consort, the Lady Mary, the eldest daughter of the King, was at that period presumptive heiress to the crown. It is now, then, time to turn our attention towards that great man, the deliverer of Holland and the preserver of Europe; from whom alone the people of England hoped for deliverance, and who, without their powerful aid, would have been unable to secure the independence of civilised nations, the sole object of his glorious life.

## CHAP. XI.

EXTRACTION OF THE HOUSE OF ORANGE.—REVIEW OF THE STRUGGLES IN THE NETHERLANDS.—CHARACTER, SITUATION, AND PROJECTS OF WILLIAM III.—INTRIGUES OF CHARLES II.—FATE OF THE WAR.—RESULTS OF THE TREATY OF NIMEGUEN.—AGGRANDISEMENT OF LOUIS XIV.—AUSTRIA.—THE NETHERLANDS.—ENGLAND.—POPISH PLOT.—BILL OF EXCLUSION.—CONNECTION OF ENGLISH AFFAIRS WITH WILLIAM'S POLICY.

## CHAP. XI.

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Extraction  
of the House  
of Orange.

William I.

THE house of Nassau stood conspicuous, at the dawn of modern history, among the noblest of the ruling families of Germany. In the thirteenth century, Adolphus of Nassau succeeded Rodolph of Hapsburg in the imperial crown, the highest dignity of the Christian world. A branch of this ancient house acquired ample possessions in the Netherlands, together with the principality of Orange in Provence; and under Charles V., William of Nassau was the most potent lord of the Burgundian provinces. Educated in the palace and almost in the chamber of the emperor, he was nominated in the earliest years of manhood to the government of Holland<sup>a</sup> and the command of the imperial army by that sagacious monarch, who, in the memorable solemnity of abdication<sup>b</sup>, leant upon his shoulder as the first of his Belgic subjects. The same eminent qualities which recommended him to the confidence of Charles awakened the jealousy of Philip II., whose anger, breaking through all the restraints of his wonted simulation, burst into furious reproaches against the Prince of Orange as the fomentor of the resistance of the Flemings to the destruction of their privileges. Among the three rulers who, perhaps unconsciously, were

<sup>a</sup> By the ancient name of Stadthouder (whence the English term Stadtholder) or Lieutenant of Holland. Kluyt, *Vetus Jus Pub. Belg.* p. 364.; and Wagenaar, *Vaderland. Hist.*, in many places.

<sup>b</sup> 25th Oct. 1555, when the Prince of Orange had entered his twenty-third year.



stirred up at the same moment to preserve the civil and religious liberties of mankind, William I. must be owned to have wanted the brilliant and attractive qualities of Henry IV., and to have yielded to the commanding genius of Elizabeth ; but his principles were more inflexible than those of the amiable hero, and his mind was undisturbed by the infirmities and passions which lowered the illustrious queen. Though he performed great actions with weaker means than theirs, his course was more unspotted. Faithful to the King of Spain as long as the preservation of the commonwealth allowed, he counselled the Duchess of Parma against all the iniquities by which the Netherlands were lost ; but faithful also to his country, in his dying instructions he enjoined his son to beware of insidious offers of compromise from the Spaniard, to adhere to his alliance with France and England, to observe the privileges of provinces and towns, and to conduct himself in all things as became the chief magistrate of the republic.\* Advancing a century beyond his contemporaries in civilised wisdom, he braved the prejudices of the Calvinistic clergy, by contending for the toleration of Catholics, of whom the chiefs had sworn his destruction.<sup>b</sup> Thoughtful, of unconquerable spirit, persuasive though taciturn, of simple character, yet maintaining due dignity and becoming magnificence in his public character, an able commander and a wise statesman, he is perhaps the purest of those who have risen by arms from private station to supreme authority, and the greatest of the happy few who have enjoyed the glorious fortune of bestowing liberty upon a people.<sup>c</sup> The whole struggle of this illustrious prince was against foreign oppression. His posterity, less happy, were engaged in domestic broils, partly arising from their undefined authority, and from the very complicated constitution of the

\* D'Estrades, from his MSS. in the hands of his youngest son.

<sup>b</sup> Burnet, i. 547.

<sup>c</sup> Even Strada himself bears one testimony to this great man, which outweighs all his vain reproaches. "Nec postea mutavere (Hollandi) qui videbant et gloriabantur ab *unius hominis* conatu cæptisque illi utcunque infelicibus assurgere in dies Hollandicum nomen imperiumque. Strada de Bello Belgico. Dec. ii. lib. v., sub ann. 1584.

CHAP. XL commonwealth, of which a general outline seems necessary to be inserted in this place.

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Review of  
the struggles  
in the Ne-  
therlands.

The seven provinces who established their independence made little change in their internal institutions. The revolt against Philip's personal commands was long carried on under colour of his legal authority, conjointly exercised by his lieutenant, the Prince of Orange, and by the states, composed of the nobility and of the deputies of towns, who had before shared a great portion of it. But, being bound to each other by an indissoluble confederacy, established at Utrecht in 1579, the care of their foreign relations and of all their common affairs was entrusted to delegates, sent from each, who gradually assumed the name of States-general, which had been originally bestowed only on the occasional assemblies of the whole states of all the Belgic provinces. These arrangements, hastily adopted in times of confusion, drew no distinct lines of demarcation between the provincial and federal authorities. Hostilities had been for many years carried on before the authority of Philip was finally abrogated; and after that decisive measure the states showed considerable disposition to the revival of a monarchical power in the person of an Austrian or French prince, or of the Queen of England. William I. seems about to have been invested with the ancient legal character of Earl of Holland at the moment of his murder.\* He and his successors were Stadtholders of the greatest provinces, and sometimes of all; they exercised in that character a powerful influence on the election of the magistrates of towns; they commanded the forces of the confederacy by sea and land; they combined the prerogatives of their ancient magistracy with the new powers, of which the necessities of war seemed to purify the assumption, and they became engaged in constant disputes with the great bodies, whose pretensions to an undivided sovereignty were as recent and as little defined as their own rights. The province of Holland formed the main strength of the confederacy; the city of Amsterdam

\* Pestel, Comm. de Repub. Batav., ii. 42, 43. Lugd. 1795.

predominated in the councils of that province. The provincial states of Holland, and the patricians in the towns from whom their magistrates were selected, were the aristocratical antagonists of the Stadtholderian power, which chiefly rested on official patronage, on military command, on the favour of the populace, and on the influence of the minor provinces in the States-general. Maurice, the eldest Protestant son of William, surpassed his father in military genius, but fell far short of him in that moderation of temper and principle which is the most indispensable virtue of the leader of a free state. The blood of Barneveldt and the dungeon of Grotius have left an indelible stain on his memory; nor is it without apparent reason<sup>a</sup> that the aristocratical party have charged him with projects of usurpation natural to a family of republican magistrates allied by blood to all the kings of Europe, and distinguished by many approaches and pretensions to the kingly power, which they were always tempted and sometimes provoked to pursue. Henry Frederick, his successor, was the son of William I. by Louise de Coligny; a woman singular in her character as well as in her destiny; who, having seen her father and the husband of her youth murdered at the massacre of Saint Bartholomew, was doomed to witness the fall of a more illustrious husband by the hand of an assassin of the same faction, and who in her last widowhood earned the affection of William's children by former wives, so as to ensure their protection to a son whom she inspired with her own virtues. Having maintained the fame of his family in war, he was happier than his more celebrated brother in a domestic administration, which was moderate, tolerant, and unsuspected.<sup>b</sup> He lived to see the final recognition of Dutch independence by the treaty of Munster, and was succeeded by his son, William II., who, after a short and turbulent rule, died in 1650, leaving his widow, the Princess Royal of England, pregnant, who was delivered of her only child, William III., on the 14th of

<sup>a</sup> Aubery Dumaourier. *Mémoires de la Hollande*, 293. Vandervynkt. *Troubles des Pays Bas*, iii. 27.

<sup>b</sup> D'Estrades, i. 55. Aubery Dumaourier.

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Birth of  
William III.

November, 1650, eight days after the death of his father. This posthumous orphan, of feeble frame, with early indications of distemper, seemed to be involved in the cloud of misfortune which then covered the deposed and exiled family of his mother. The patricians of the commercial cities, who had gathered strength with their rapidly increasing wealth, were incensed at the late attack of William II. on Amsterdam; they were emboldened by the establishment of a republic in England, and prejudiced, not without reason, against the Stuart family, whose absurd principle of the divine right of kings always disposed James I. to regard the Dutch as no better than successful rebels<sup>a</sup>, and led his son, in 1631, a period of profound peace and professed friendship with Holland, to conclude a secret treaty with Spain for the partition of the Republic, in which England was to be rewarded for treachery and rapine by the sovereignty of Zealand.<sup>b</sup> Under these circumstances the aristocratical republicans found no difficulty in persuading the States to assume all the authority hitherto exercised by the Stadtholder, without fixing any period for conferring on the infant Prince the dignities which had been enjoyed by three generations of his family. At the peace of 1654, the States of Holland bound themselves by a secret article, yielded with no great reluctance to the demands of Cromwell, never to choose the Prince of Orange to be their Stadtholder, nor to consent to his being appointed Captain-general of the forces of the confederacy; a separate stipulation, at variance with the spirit of the union of Utrecht, and disrespectful to the judgment of the weaker confederates, if not injurious to their rights.<sup>c</sup> After the Restoration, however, this engagement lost its power. But when the Prince of Orange had nearly reached years of discretion, and when the brilliant operations of a military campaign against Eng-

<sup>a</sup> "In his table discourse he pronounced the Dutch to be rebels, and condemned their cause, and said that Ostend *belonged* to the Archduke." Carte, iii. 714.

<sup>b</sup> Clarendon, State Papers, i. 49., and ii. App. xxvii.

<sup>c</sup> Cromwell was prevailed upon to content himself with this separate stipulation, very imperfect in form, but which the strength of the ruling province rendered in substance sufficient. Whitelock, Memor., 12th May, 1684.

land had given new vigour to the republican administration, John De Witt, who, under the modest title of pensionary of Holland, had long directed the affairs of the confederacy with a success and reputation due to his matchless honesty and prudence<sup>a</sup>, prevailed on the States of Holland to pass a law, entitled, "A perpetual Edict for the Maintenance of Liberty," by which they abolished the Stadtholdership in their own province, and agreed to take effectual means to obtain from their confederates edicts excluding all those who may be Captain-generals from the Stadtholdership of any of the provinces, binding themselves and their successors by oath to observe these provisions, and imposing the like oath on all who may be appointed to the chief command by land or sea.<sup>b</sup> Guelderland, Utrecht, and Overysse acceded. Friesland and Groningen, then governed by a Stadtholder of another branch of the family of Nassau, were considered as not immediately interested in the question. Zealand alone, devoted to the House of Orange, resisted the separation of the supreme military and civil offices. On this footing De Witt professed his readiness to confer the office of Captain-general on the Prince, as soon as he should be of fit age. He was allowed to take his seat in the Council of State, and took an oath to observe the perpetual edict.<sup>c</sup> His opponents struggled to retard his military appointment, to shorten its duration, and to limit its powers. His partisans, on the other hand, supported by England, and led by Amelia of Solms, the widow of Prince Henry, a woman of extraordinary ability, who had trained the young Prince with parental tenderness, seized every opportunity of pressing forward his nomination, and of preparing the way for the enlargement of his authority. This contest might have been longer protracted, if the conspiracy of

<sup>a</sup> It can hardly be injurious to the memory even of this great man, to appeal to the testimony of Sir William Temple, a man of such sense and integrity, who was generally opposed in politics to De Witt, and who wrote after his death. Temple on the United Provinces, chap. iv.

<sup>b</sup> 3d August, 1667. The immediate occasion of this edict seems to have been a conspiracy, for which one Buat, a spy employed by Lord Arlington, was executed in 1666. Hist. de J. D. De Witt, liv. ii., chap. ii. Utrecht, 1709.

<sup>c</sup> Sir William Temple's Despatches to Lord Arlington.

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Louis and Charles, and the occupation of the greater part of the country by the army, had not brought undeserved reproach on the administration of De Witt. Fear and distrust became universal; every man suspected his neighbour; accusations were heard with greedy credulity; misfortunes were imputed to treachery, and the multitude cried aloud for human victims. The incorporate officers of the great towns, originally chosen by the burghers, had, on the usual plea of avoiding tumult, obtained the right of filling up all vacancies in their own number. They thus strengthened their power, but destroyed their security. No longer connected with the people by election, the aristocratical families received no fresh infusion of strength, and had no hold on the attachment of the community. They formed, indeed, the better part of the people; they had raised the fishermen of a few marshy districts to be one of the greatest nations of Europe. But the misfortunes of a moment banished the remembrance of their services; their grave and harsh virtues were more unpopular than vices; the needs and disasters of war served to heighten the plebeian clamour, and to strengthen the military power which formed the combined force of the Stadtholderian party. It was in vain that the republicans endeavoured to satisfy that party, and to gain over the King of England by the nomination of the Prince of Orange to be Captain-general.<sup>a</sup> Charles was engaged in deeper designs.<sup>b</sup> The progress of the French arms still farther exasperated the populace, and the republicans incurred the reproach of treachery by a disposition, perhaps carried to excess, to negotiate with Louis XIV. at a moment when all negotiation wore the appearance of submission. So it had formerly happened. Barneveldt was friendly to peace with Spain, and Maurice saw no safety but in arms. Men equally wise and honest may differ on

<sup>a</sup> 25th February, 1672. Wagenaar.

<sup>b</sup> Peter de Groot, the son of Grotius, ambassador from the states at Paris, had discovered the secret treaty for the destruction of Holland, concluded by the Duchess of Orleans at Dover, on the 22d of May, 1670; to which De Witt alluded in his conversations with Temple.—Summary of Treaty in Rose's Observations on Fox, collated in June, 1825, with MSS. in the possession of Lord Clifford.

the difficult and constantly varying question, whether uncompromising resistance, or a reservation of active effort for a more favourable season, be the best mode of dealing with a formidable conqueror. The dangers of either course are often so great that it may be hard, even after the event, to pronounce a sound judgment. Though the war policy of Demosthenes terminated in the destruction of Athens, we dare not affirm that the pacific system of Phocion would have saved it. In the contest of Maurice with Barneveldt, and of De Witt with the adherents of the House of Orange, both parties had an interest distinct from that of the commonwealth, for the influence of the States grew in peace, and the authority of the Captain-general was strengthened by war. The populace revolted against their magistrates in all the towns, and the States of Holland were compelled to repeal the edict, which they called perpetual, to release themselves and all the officers from the oath which they had taken to observe it, and to confer on the Prince the office of Stadtholder<sup>a</sup>, which they deemed it dangerous to join to the military command. In two years after the Stadtholdership, hitherto elective for life, was made hereditary to his descendants. The popular commotions which produced this revolution were stained by the murder of John and Cornelius De Witt, a crime perpetrated with such brutal ferocity, and encountered with such heroic serenity, that it may almost seem to be doubtful whether the glory of having produced such pure sufferers may not in some degree console a country for having given birth to assassins so atrocious. These excesses are singularly at variance with the calm and orderly character of the Dutch; but it is mere justice to observe, that, in the first century of their commonwealth, both the parties which divided it were fruitful in great men, who acted and suffered with equal dignity in those tragic scenes of which the contemplation strengthens and exalts human nature. Perhaps no free state has, in proportion to its magnitude, contributed more amply to the amendment of mankind by examples of public virtue.

<sup>a</sup> 4th July, 1672. Wagenaar.

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The Prince of Orange, thus hurried to the supreme authority at the age of twenty-two, was ignorant of these crimes, and avowed his abhorrence of them. The murders were perpetrated more than a month after his highest advancement, when they could produce no effect but that of bringing odium upon his party. But it must be for ever deplored that the extreme danger of his position should have prevented him from punishing the offences of his partisans, till it seemed too late to violate that species of tacit amnesty which time insensibly establishes. It would be impossible ever to excuse this unhappy impunity, if we did not call to mind that Louis XIV. was at Utrecht, that the populace of the Hague had imbrued their hands in the blood of the De Witts, and that the magistrates of Amsterdam might be disposed to avenge on their country the cause of their virtuous chiefs. Henceforward the Prince directed the counsels and arms of Holland. He gradually formed and led a confederacy to set bounds to the ambition of Louis XIV.; and he became by his abilities and dispositions, as much as by his position, the second person in Europe. From that moment, also, he began to act as a personage of the utmost importance in the internal history of England.

His character.

We possess unsuspected descriptions of his character from observers of more than ordinary sagacity, who had an interest in watching its developement, before it was surrounded by the dazzling illusions of power and fame. Among the most valuable of these witnesses were some of the subjects and servants of Louis XIV. At the age of eighteen the Prince's good sense, knowledge of affairs, and seasonable concealment of his thoughts, attracted the attention of Gourville, a man of experience and discernment. St. Evremond, though himself distinguished chiefly by vivacity and accomplishments, saw the superiority of William's powers through his silence and coldness. After long intimacy, Sir William Temple describes his great endowments and excellent qualities, his (then almost singular) combination of "charity and religious zeal," "his desire (rare in every age) to grow great rather by the service than the servitude of his country:" language so



manifestly considerate, discriminating, and unexaggerated, as to bear on it the inimitable stamp of truth, in addition to the weight which it derives from the probity of the writer. But, of all those who have given opinions of the young Prince, there is none whose testimony is so important as that of Charles II. That monarch, in the early part of his reign, was desirous of gaining an ascendant in Holland by the restoration of the House of Orange, and of subverting the government of De Witt, whom he never forgave for his share in the treaty with the English Republic. Some retrospect is necessary, to explain the experiment by which that monarch both ascertained and made known the ruling principles of his nephew's mind.

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The mean negotiations about the sale of Dunkirk betrayed to Louis XIV. the passion of Charles for French money. He, at the same time, offered to the French ambassador to aid Louis in the conquest of Flanders, on condition of receiving French succours against the revolt of his own subjects.<sup>b</sup> He strongly expressed his desire of an offensive and defensive alliance with Louis XIV., in 1664, to Ruvigny, one of the most estimable of that monarch's agents<sup>c</sup>; but the most pernicious of Charles's vices, never bridled by any virtue, were often mitigated by the minor vices of indolence and irresolution. Even the love of pleasure, which made him needy and rapacious, unfitted him for undertakings full of toil and peril. Projects for circumventing each other in Holland, which Charles aimed at influencing through the House of Orange, and Louis hoped to master through the republican party, retarded their secret advances to an entire union. De Witt was compelled to consent to some aggrandisement of France, rather than expose his country to a war not to be attempted without the co-operation of the King of England, who was ready to betray a hated ally. The first Dutch war appears to have arisen

Retrospect  
of the in-  
trigues of  
Charles II.

<sup>a</sup> D'Estrades, i., which contradicts Clarendon's account.

<sup>b</sup> D'Estrades, v. 450. Ed. London, 1743.

<sup>c</sup> Mémoire de Ruvigny au Roi. 3ème Juill. 1668. Dalrymple, ii. 11. D'Estrades, v., 18th Dec. 1664. 20th Dec. 1663.

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 1688. supremacy; employed by Charles as instruments to obtain booty at sea, and supply from his parliament; and by Louis as the means of enabling him, without opposition, to seize the Spanish Netherlands. When that war was closed by the peace of Breda<sup>a</sup>, the Court of England seemed for a moment to have changed its maxim, by the conclusion of the Triple Alliance, which prescribed some limits to the ambition of France<sup>b</sup>; a system which De Witt, as soon as he met so honest a negotiator as Sir William Temple, eagerly and joyfully hastened to embrace.

Temple was, however, duped by his master. It is probable that the Triple Alliance was the result of a fraudulent project, suggested originally by Gourville to ruin De Witt, by embroiling him with France beyond the probability of reconciliation.<sup>c</sup> Charles made haste to disavow the intentions professed in that alliance, and to attribute the contrary appearances to the coldness with which France received his earnest and importunate proposals for a closer connection.<sup>d</sup> A negotiation for a secret treaty with France was immediately opened, partly by the personal intercourse of Charles with the French ministers at his court, but chiefly through his sister, the Duchess of Orleans; an amiable princess, probably the only person whom he ever loved. This correspondence, which was concealed from those of his ministers who were not either Catholics or well affected to the Catholic religion<sup>e</sup>, lingered for about two years, till the secret treaty was concluded at Dover, in May, 1670,

<sup>a</sup> July, 1667.

<sup>b</sup> January, 1668.

<sup>c</sup> *Mém. de Gourville*, ii. 14—18. and 160. Ed. Paris, 1724.

<sup>d</sup> Charles II. to Duchess of Orleans, <sup>13</sup>/<sub>23</sub> Jan. 1668. *Dal.* ii. 5.

<sup>e</sup> This treaty has been laid to the charge of the cabinet called the Cabal, unjustly, for, of the five members of that administration, two only, Clifford and Arlington, were privy to the designs of the King and the Duke of York. Ashley and Laud were too zealous Protestants to be trusted with it. Buckingham (whatever might be his indifference in religion) had too much levity to be trusted with such secrets, but he was so penetrating that it was thought prudent to divert his attention from the real negotiation, by engaging him in negotiating a simulated treaty, in which the articles favourable to the Catholic religion were left out. On the other hand, Lord Arundel and Sir R. Belling, Catholics, not of the Cabal, were negotiators.

under cover of a visit made by the Duchess to her brother.\* The essential stipulations of this unparalleled compact were three:— that Louis should advance money to Charles, to enable him the more safely to execute what is called in the treaty “ A declaration of his adherence to the Catholic religion,” and support him with men and money, if that measure should be resisted by his subjects; that both powers should join their arms against Holland, the islands of Walcheren and Cadsand being allotted to England as her share of the prey, in a manner which clearly left the other territories of the Republic at the disposal of Louis; and that England should aid Louis in any new pretensions to the crown of Spain, or, in other and plainer language, enable him, on the very probable event of Charles II. of Spain dying without issue<sup>b</sup>, to incorporate with a monarchy already the greatest in Europe the long-coveted inheritance of the House of Burgundy, and the two vast peninsulas of Italy and Spain. The strength of Louis would thus have been doubled at one blow, and all limitations to his farther progress on the Continent must have been left to his own moderation. It is hard to imagine what should have hindered

\*  $\frac{22}{1}$  May, 1667; signed by Lords Arlington and Arundel, Thomas Clifford, and Sir R.

Belling on the part of the King of England; and by Colbert de Croissy, the brother of the celebrated financier, on the part of France. Rose, *Observ. on Fox*, 51. Summary collated with the original, in the hands of the present Lord Clifford. The draft of the same treaty, sent to Paris by Arundel, does not materially differ. Dalrymple, ii. 44. “ The Life of James II.,” i. 440—450., agrees, in most circumstances, with these copies of the treaties, and with the correspondence. There is one important variation. In the treaty it is stipulated that Charles’s measures in favour of the Catholic religion should precede the war against Holland, according to the plan which he had always supported. “ The Life ” says, that the resolution was taken at Dover to begin with the war against Holland. But the despatch of

Colbert from Dover,  $\frac{20}{30}$  May (Dal. ii. 57.), almost justifies the statement, which may refer to

a verbal acquiescence of Charles, probably deemed sufficient in these clandestine transactions, where that prince desired nothing but such assurances as satisfy gentlemen in private life. It is true that the narrative of the Life is not here supported by those quotations from the King’s original Memoirs, on which the credit of the compilation essentially depends. But as in the eighteen years, 1660—1678, which exhibits no such quotations, there are internal proofs that some passages, at least, of the Life are taken from the Memoirs, the absence of quotation does not derogate so much from the credit of this part of the work as it would from that of any other. *Edinb. Review*, xxvi. 402—430.

<sup>b</sup> Charles II., King of Spain, was then a feeble and distempered child of nine years old.

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him from rendering his monarchy universal in the civilised world. The port of Ostend, the island of Minorca, and the permission to conquer Spanish America, with a very vague promise of assistance of France, were assigned to England as the wages of her share of this conspiracy against mankind.

The fearful stipulations for rendering the King of England independent of Parliament, by a secret supply of foreign money, and for putting into his hands a foreign military force, to be employed against his subjects, were, indeed, to take effect only in case of the avowal of his reconciliation with the church of Rome. But as he represented it himself as a re-establishment of that Catholic Church, as he considered it as essential to the consolidation of his authority, which the mere avowal of his religion would rather have weakened, and the bare toleration of it could little, if at all, promoted; as he confessedly meditated measures for quieting the alarms of the possessors of church lands, whom the simple letter of the treaty could not have much disturbed; as he proposed a treaty with the Pope to obtain the cup for the laity, and the mass in English<sup>a</sup>, concessions which are scarcely intelligible without the supposition that the Church of Rome was to be established; as he concealed this article from Shaftesbury, who must have known his religion, and was then friendly to a toleration of it; and as other articles were framed for the destruction of the only powerful Protestant state on the Continent, there cannot be the slightest doubt that the real object of this atrocious compact, however disguised under the smooth and crafty language of diplomacy, was the forcible imposition of a hated religion<sup>b</sup> upon the British nation, to which the conspirators foresaw a national resistance, to be stifled or quelled by a foreign army. It was evident that the most tyrannical measures would have been necessary for the accomplishment of such purposes, and that the

<sup>a</sup> Dalry. ii. 84. Colb. 3d June, 1672.

<sup>b</sup> It is but just to mention, that Burnet mentions the "*toleration of popery*," Burn. i. 526. He had seen only Primi's history, and he seems to speak of the negotiation carried on through Buckingham, from whom we know that the full extent of the plan was concealed.

transfer of all civil, military, and ecclesiastical power to the members of a communion, who had no barrier against public hatred but the throne, must have tended to render the power of Charles absolute, and afforded him the most probable means of effectually promoting the plans of his ally for the subjugation of Europe. If the foreign and domestic objects of this treaty be considered, together with the means by which they were to have been accomplished, and the dire consequences which must have flowed from their attainment, it seems probable that so much falsehood, treachery, and mercenary meanness were never before combined in the decent formalities of a solemn compact between sovereigns, with such premeditated bloodshed and unbridled cruelty, for the purpose of overthrowing the independence of all nations, and for ever subjecting mankind to civil tyranny and religious persecution. The only semblance of virtue in the dark plot was the anxiety shown to conceal it; which, however, arose more from the fears than the shame of the conspirators. In spite of all their precautions it transpired. The secret was extorted from Turenne, in a moment of weakness, by a young mistress, as a condition of favour to an aged lover.<sup>a</sup> He disclosed some of the secret correspondence to Puffendorf, the Swedish minister at Paris, to detach the Swedes from the triple alliance<sup>b</sup>, and it was made known by that minister as well as by De Groot, the Dutch ambassador at Paris, to De Witt, who had never ceased to distrust the sincerity of the Stuarts towards Holland.<sup>c</sup> The suspicions of Temple himself were early awakened; and he seems to have in some measure played the part of a willing dupe, in the hope of

<sup>a</sup> Mémoires de Choisy; and Charles II. to the Duchess of Orleans, 20th January, 1669. Dalrymple, ii. 20. Louis XIV. forgave him, observing, that lovers of sixty must purchase favour by extraordinary sacrifices. It derogates from the glory of Bossuet that this unseasonable amour should nearly coincide in time with the conversion of Turenne to the Roman Catholic communion, which was ascribed to a celebrated work of the great controversialist. The narrative of Choisy is confirmed by Ramsay, Hist. de Turenne, i. 429. Paris, 1735.

<sup>b</sup> Sir W. Temple to Sir Orlando Bridgman, 24th April, 1669.

<sup>c</sup> De Witt observed to Temple, even in the days of the triple alliance:—"A change of councils in England would be our ruin. Since the reign of Elizabeth there has been such a fluctuation in the English councils that it has been impossible to concert measures with them for two years."

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entangling his master in honest alliances. The substance of the secret treaty was the subject of general conversation at the Court of England at the time of Puffendorf's discovery.<sup>a</sup> A pamphlet published, or at least printed, in 1673, intelligibly hints at such a treaty, influenced by corruption, "about four years before."<sup>b</sup> Not long after, Louis XIV., in a moment of dissatisfaction with Charles II., permitted or commanded the Abbate Primi to print a history of the Dutch war at Paris, which derived credit from being soon suppressed at the instance of the English minister, and which gave an almost verbally exact summary of the secret treaty, with respect to three of its objects,—the partition of Holland, the re-establishment of the Catholic religion in the British Islands, and the absolute authority of the King.<sup>c</sup> The project for the dismemberment of Holland, adopted by Charles I. in 1631<sup>d</sup> appears to have been entertained by his eldest son till the last years of his reign.<sup>e</sup>

As one of the articles of the secret treaty had provided a petty sovereignty for the Prince of Orange out of the ruins of his country, Charles took the opportunity of his nephew's visit to England, in October 1670<sup>f</sup>, to sound him on a project which was thus baited for his concurrence. "All the Protestants," said the King, "are a factious body, broken among themselves since they have been broken from the main stock. Look into these things better; do not be misled by your Dutch blockheads."<sup>g</sup> The King immediately imparted the failure of his attempt to the French

<sup>a</sup> Pepys' Diary, 28th April, 1669. "For a sum of money we are to make a league with France. The money will so help the King that he will not need the parliament. We must leave the Dutch, and that I doubt will undo us. It will make the parliament and kingdom mad."

<sup>b</sup> England's Appeal from the Private Cabal at Whitehall. Tracts in the reign of Car. II. London, 1689, folio.

<sup>c</sup> State Trials in the reign of W. III., i. Introd. 10. Lond. 1705, fol.

<sup>d</sup> Clar. State Papers.

<sup>e</sup> MSS. Plan of a joint war against Holland in the last six months of 1682, in Lord Preston's papers, in the possession of Sir James Graham, of Netherby.

<sup>f</sup> Evelyn's Diary, 4th Nov. 1670.

<sup>g</sup> Burnet, i. 475.

ambassador; "I am satisfied with the Prince's abilities, but I find him too zealous a Dutchman and a Protestant to be trusted with the secret."<sup>a</sup> But enough had escaped to disclose to the sagacious youth the purposes of his uncle, and to throw a strong light on the motives of all his subsequent measures. The inclination of Charles towards the Church of Rome could never have rendered a man so regardless of religion solicitous for a conversion, if he had not considered it as subservient to projects for the civil establishment of that church, which, as it could subsist only by his favour, must have been the instrument of his absolute power. Astonished as William was by the discovery, he had the fortitude during the life of Charles to conceal it from all but one friend, or at most two. It was reserved for later times to discover, that Charles had the inconceivable baseness to propose the detention of his nephew in England, where the temptation of a sovereignty, being aided by the recovery of his freedom, might act more powerfully on his mind; and that this proposal was refused by Louis, either from magnanimity, or from regard to decency; or, perhaps, from reluctance to trust his ally with the sole disposal of so important a prisoner.<sup>b</sup>

When the French army had advanced into the heart of Holland, the fortitude of the Prince was unshaken. Louis offered to make him sovereign of the remains of the country, under the protection of France and England. But at that moment of extreme peril, he answered with his usual calmness, "I never will betray a trust, nor sell the liberties of my country, which my ancestors have so long defended." All around him despaired. One of his very few confidential friends, after having long expostulated with him on his fruitless obstinacy, at length asked him, if he had considered how and where he should live after Holland was lost. "I have thought of that," he replied: "I am resolved to live on the lands

<sup>a</sup> Colbert au Roi, 4th Dec. 1670. Dalrymple, ii. 70.

<sup>b</sup> Dalrymple, ii. 79. Summary of Letters between Colbert De Croissy and his Court in October and November, 1670. It is unfortunate that neither the originals, nor extracts from them are given.

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 Buckingham and Arlington were sent from England to try, whether,  
 beset by peril, the lure of sovereignty might not seduce him.  
 The former often said, “Do you not see that the country is lost?”  
 The answer of the Prince to the profligate buffoon spoke the same  
 unmoved resolution with that which he had made to Zuleystein or  
 Fagel; but it naturally rose a few degrees towards animation:—“I  
 see it is in great danger, but there is a sure way of never seeing it  
 lost; and that is, to die in the last ditch.”<sup>b</sup> The perfect simplicity  
 of these declarations may, perhaps, authorise us to rank them  
 among the most genuine specimens of true magnanimity which  
 human nature has produced. Perhaps the history of the world  
 does not hold out a better example, how high above the reach of  
 fortune the pure principle of obedience to the dictates of con-  
 science, unalloyed by interest, passion, or ostentation, can raise the  
 mind of a virtuous man. To set such an example is an unspeak-  
 ably more signal service to mankind, than all the outward benefits  
 which flow to them from the most successful virtue. It is inde-  
 pendent of events, and it burns most brightly in adversity; the  
 only agent, perhaps, of power to call forth the native greatness of  
 soul which lay hid under the cold and unattractive deportment of  
 the Prince of Orange.

Fate of the  
 war.

His situation in 1672 was calculated to ascertain whether his  
 actions would correspond with his declarations. Beyond the im-  
 portant country extending from Amsterdam to Rotterdam, a  
 district of about forty miles in length, the narrow seat of the  
 government, wealth, and force of the commonwealth, which had  
 been preserved from invasion by the bold expedient of inundation,  
 out of which the cities and fortresses arose like islands, little  
 remained of the republican territory except the fortress of Maes-  
 tricht, the marshy islands of Zeeland, and the secluded province of

<sup>a</sup> Temple, i. 381., folio; London, 1721. *Memoirs*, 1672—1679. This friend was probably  
 his uncle Zuylestein, for the conversation passed before his intimacy with Bentinck.

<sup>b</sup> Burnet, i. 569.



Friesland. A French army of a hundred and ten thousand men, encouraged by the presence of Louis XIV., and commanded by Condé and Turenne, had their head-quarters at Utrecht, within about twenty miles of Amsterdam, and impatiently looked forward to the moment when the ices of winter should form a road to the spoils of that capital of the commercial world. On the other side, the hostile flag of England was seen from the coast. The Prince of Orange, a sickly youth of twenty-two, without fame or experience, had to contend against such enemies at the head of a new government, of a divided people, and a little army of twenty thousand men, either raw recruits or foreign mercenaries, whom the exclusively maritime policy of the late administration had left without officers of skill or name. His immortal ancestor, when he founded the republic about a century before, saw at the lowest ebb of his fortune the hope of aid from England and France. Far darker were the prospects of William III. The degenerate successor of Elizabeth, abusing the ascendant of a parental relation, sought to tempt him to become a traitor to his country for a share in her spoils. The successor of Henry IV. offered him only the choice of being bribed or crushed. Such was the fear of France, that the Court of Spain did not dare to aid him, though their only hope was from his success. The German branch of the house of Austria was then entangled in a secret treaty with Louis, by which the Low Countries were ceded to him, on condition of his guaranteeing to the Emperor the reversion of the Spanish monarchy on the death of Charles II. without issue. No great statesman, no illustrious commander but Montecuculli, no able prince but the great Elector of Brandenburg, was to be found among the avowed friends or even secret well-wishers of William. The territories of Cologne and Liege, which presented all the means of military intercourse between the French and Dutch frontiers, were ruled by the creatures of Louis XIV. The final destruction of a rebellious and heretical confederacy was foretold with great, but not apparently unreasonable confidence, by the

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zealots of absolute authority in church and state<sup>a</sup>; and the inhabitants of Holland began seriously to entertain the heroic project of abandoning an enslaved country, and transporting the commonwealth to their dominions in the Indian islands. At this awful moment fortune seemed to pause. The unwieldy magnificence of a royal retinue encumbered the advance of the French army. Though masters of Naerden, which was esteemed the bulwark of Amsterdam, they were too late to hinder the opening of the sluices at Murden, which drowned the country to the gates of that city. Louis, more intoxicated with triumph than intent on conquest, lost in surveying the honours of victory the time which should have been spent in seizing its fruits. Impatient of so long an interruption of his pleasures, he hastened to display at Versailles the trophies of a campaign of two months, in which the conquest of three provinces, the capture of fifty fortified places, and of 24,000 prisoners, were ascribed to him by his flatterers.<sup>b</sup> The cumbrous and tedious formalities of the Dutch constitution enabled the Stadtholder to gain some time without suspicion. Even the perfidious embassy of Buckingham and Arlington con-

<sup>a</sup> I subjoin two specimens of the opinions and inclinations of English ministers concerning Holland at that time:—

“Hic jaceo Batavorum celebris respublica,  
Ex aquis nata, ex aquis sustentata, nunc aquis mersa.  
Exiguus initiis, invidendis fortunis, stupendis incrementis sic crevi,  
Ut terris vix æmulam, mare vero parem minime tulerim.  
Rebellibus receptaculo, periclitantibus auxilio multis adstiti.  
Nunc deseror ab omnibus;  
A Gallo et Anglo contra Hispanos defensa;  
Nunc ab iisdem opprimor.”

Dantzick, 30th Aug. 1672. State Paper Office.

“It is almost certain that at the rate the King of France now goeth, while I am making a circuit to find him, the country will be gone. The French are within two or three leagues of Amsterdam, which, although it hath drowned the country about it, yet the multitude of people, want of fresh water, and, above all, fear, will hinder them from doing the utmost for defence.” Lord Halifax to Lord Arlington, Bruges, 3d July, 1672. Downshire MSS.

“In case of the success of the invaders, the Zealanders, all zealous Protestants, have resolved to offer themselves to England. I told the states of that province the King had no fixed resolution to ruin them.” The same to the same. Middleburgh, 5th July.

(The above note, when compared with the text to which it refers, may appear to the reader not quite complete, or not quite applicable. It is printed exactly as it was left by Sir James Mackintosh.)

<sup>b</sup> “More than a hundred fortresses and military posts.” *Cœuvres de Louis XIV.*, iii. 245.

tributed somewhat to prolong negotiations. He amused them for a moment by appearing to examine the treaties they had brought from London, by which France was to gain all the fortresses which commanded the country, leaving Zealand to England, and the rest of the country as a principality to himself.<sup>a</sup> Submission seemed inevitable and speedy, while the inundation rendered military movements inconvenient and perhaps hazardous. The Prince thus obtained a little leisure for the execution of his measures. The people, unable to believe the baseness of the Court of London, were animated by the appearance of the ministers who came to seal their ruin. The government, surrounded by the waters, had time to negotiate at Madrid, Vienna, and Berlin. The Marquis de Monterey, governor of the Catholic Netherlands, without instructions from the Escorial, had the boldness to throw troops into the important fortresses of Dutch Brabant, Breda, Braga-op-Zoom, and Bois-le-Duc, under pretence of a virtual guarantee of that territory by Spain.

In England, the continuance of prorogations for two years<sup>b</sup> relieved the King from parliamentary opposition, but deprived him of sufficient supply; drove him to resources alike inadequate and infamous<sup>c</sup>, and foreboded that general indignation which, after the combined fleets of England and France had been worsted by the marine of Holland<sup>d</sup> alone (at the very moment when the remnant of the republic seemed about to be swallowed up), compelled him to desist<sup>e</sup> from the open prosecution of the odious conspiracy against that republic. The emperor Leopold, roused to a just

<sup>a</sup> The official despatches of these ambassadors are contained in a MS. volume, probably the property of Sir W. Trumbull, now in the hands of his descendant, the Marquis of Downshire. These despatches show that the worst surmises, circulated at the time, of the purposes of this embassy, were scarcely so bad as the truth. Ralph, i. 207. *et seq.* This embassy ended in a new treaty between Charles and Louis. Dumont.

<sup>b</sup> From February, 1671, to February, 1673.

<sup>c</sup> Shutting up the Exchequer, 2d January, 1672.

<sup>d</sup> Battle of Southwold Bay, 28th and 29th May, 1672. In these memorable actions even the biographer of James II. in effect acknowledges, that De Ruyter had the advantage. James II., i. 457—476. He thrice encountered the combined fleet without defeat, on the 28th May, the 4th June, and the 11th August, 1673.

<sup>e</sup> Peace between England and Holland,  $\frac{9}{19}$  January, 1674.

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sense of the imminent danger of Europe, concluded a defensive alliance with the States-general.<sup>a</sup> The Germanic body generally manifested the same spirit. Frederic William of Brandenburg, called the Great Elector, took the field in the autumn, in consequence of a defensive alliance which he had concluded with Holland. After the commencement of hostilities<sup>b</sup>, Turenne was compelled to march from the Dutch territory to observe, and, in case of need, to oppose, the Austrian and Brandenburg troops; and the young prince ceased to incur the risk and to enjoy the glory of being opposed to that great commander, who was the grandson of William I.<sup>c</sup>, and had been trained to arms under Maurice. The winter of that year was unusually late and short<sup>d</sup>; but as soon as the ice seemed sufficiently solid, Luxemburgh, who was left in command at Utrecht, advanced, in the hope of surprising the Hague. A providential thaw obliged him to retire; his operations were limited to the destruction of two petty towns; and it seems doubtful whether he did not owe his escape to the irresolution or treachery of a Dutch officer entrusted with a post which commanded the line of retreat. At the perilous moment of Luxemburgh's advance, William had the boldness to undertake a long march through Brabant to the attack of Charleroi, which he could not then hope to retain if he could have taken it. But he did more than gain a fortress, by giving spirit to his friends, and we know that his enterprise produced such an effect on his enemies as to interrupt the sleep of Louis XIV.<sup>e</sup> In the ensuing year he began offensive operations with more outward and lasting consequences. Having deceived Luxemburgh, he recovered Naerden<sup>f</sup>, and shortly hazard-

<sup>a</sup> 25th July, 1672. Dumont, vii., par. i. 208.

<sup>b</sup> 26th April, 1672. Id. *ibid.* 194. See also the defensive treaty between Leopold and Frederick William. Berlin,  $\frac{15}{25}$  June, 1672. Id. *ibid.* 201. The English statesmen thought the German alliances could not save Holland:—"Not that we fear the revival of the Hollanders thereby from their desperate condition." Lord Arlington to Sir B. Gascoyne. 26th July, 1672. *Miscell. Aul.* 74. London, 1702.

<sup>c</sup> By Elizabeth of Nassau, Duchess of Bouillon.

<sup>d</sup> Louis XIV. complains of this hard winter.

<sup>e</sup> Lettre du Roi à Louvois, 23d Dec. 1672,—"à une heure après minuit." *Cœuvres de Louis XIV.*, iii. 274.

<sup>f</sup> September, 1673.

ing another considerable march beyond the frontier, he captured the city of Bonn, and thus compelled Turenne to provide for the safety of his army by recrossing the Rhine. The Spanish governor of the Low Countries declared war against France; and Louis was compelled to recall his troops from Holland. Europe now rose on all sides against the monarch who not many months before appeared to be her undisputed lord. So mighty were the effects of a gallant stand by a small people, under an inexperienced chief, without a council or minister but the pensionary Fagel, the pupil and adherent of De Witt; who, actuated by the true spirit of his great master, continued faithfully to serve his country, in spite of the saddest examples of the ingratitude of his countrymen.

The deliverance of Holland in 1672, though the most signal triumph of a free people over mighty invaders since the defeat of Xerxes by the Greeks, which it even surpassed in the important circumstances that the valour of the aggressors was at least equal, while their military discipline, genius, and fame, were superior, has yet been so often related<sup>a</sup>, and is so distantly connected with the subject of this work, that the above brief recital of it could scarcely be justified, if it had been possible otherwise to manifest the character of the most important actor in the history of England. In the six years of war which followed, a few particulars only can be mentioned here as contributing to the same end. The Prince commanded in three battles against the greatest generals of France. At Senef<sup>b</sup>, it was a sufficient honour that he was not defeated by Condé; and that the veteran declared, on reviewing the events of the day,—“The young Prince has shown all the qualities of the most experienced commander, except that he exposed his own person too much.” He was defeated without dishonour at Cassel<sup>c</sup>, by Luxemburgh, under the nominal command of the Duke of Orleans. He gained an advantage over the same great general, after an obstinate and bloody action, at

<sup>a</sup> It is due to Voltaire to confess, that the passion to magnify his hero has, on this occasion, yielded to his natural feelings of humanity and justice. *Siècle de Louis XIV. chap. xi.*

<sup>b</sup> 11th August, 1674.

<sup>c</sup> 11th April, 1677.

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St. Denis, near Mons.<sup>a</sup> This last battle was of more doubtful morality than any other of his military life, being fought four days after the signature of a separate treaty of peace by the Dutch plenipotentiaries at Nimeguen.<sup>b</sup> It was not, indeed, a breach of faith, for there was no armistice, and the ratifications were not executed. It is uncertain, also, whether he had information of what passed at Nimeguen; the official despatches from the States-general reached him only the next morning. The treaty was suddenly and unexpectedly brought to a favourable conclusion by the French ministers in one day; and the Prince, who condemned it as alike offensive to good faith and sound policy, had reasonable hopes of obtaining a victory, which, if gained before the final signature, might have determined the fluctuating counsels of the States to the side of vigour and honour. He could not have hoped for this result if he had known that the treaty was signed. The morality of soldiers, even in our age, is not severe in requiring proof of the necessity of bloodshed, if the combat be fair, the event brilliant, and, more particularly, if the commander freely exposes his own life. His gallant enemies warmly applauded this attack, distinguished, as it seems eminently to have been, for the daring valour, which was brightened by the gravity and modesty of his character; and they declared it to be "the only heroic action of a six years' war between all the great nations of Europe." It is agreed, that if the official despatches had not hindered him from prosecuting the attack on the next day with the English auxiliaries, who must then have joined him, he was likely to have changed the fortune of the war.<sup>c</sup> Had he been more scrupulous on this occasion, his conduct would have been more blameless; but it may be doubted whether the frame of mind which would have disposed him to yield to such scruples would have fitted him better for performing the great duty of his life.

<sup>a</sup> 14th August, 1678.

<sup>b</sup> Dumont, vii., p. i. 350. 10th of August; ratified at Versailles on the 18th of August, and at the Hague on the 19th of September.

<sup>c</sup> Sir William Temple's Memoirs, 1672—1679.

The object of the Prince and the hope of his confederates was to restore Europe to the condition in which it had been placed by the treaty of the Pyrenees.<sup>a</sup> The result of the negotiations at Nimeguen was to add the province of Franche Comté, and the most important fortresses of the Flemish frontier, to the cessions which Louis at Aix-la-Chapelle<sup>b</sup> had extorted from Spain. The Spanish Netherlands were thus farther stripped of their defence, the barrier of Holland weakened, and the way opened for the reduction of all the posts which face the most defenceless parts of the English coast. The acquisition of Franche Comté broke the military connection between Lombardy and Flanders, secured the ascendant of France in Switzerland, and, together with the usurpation of Lorrain, exposed the German empire to new aggression. The ambition of the French monarch was inflamed, and the spirit of neighbouring nations broken, by the ineffectual resistance as much as by the long submission of Europe.

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Results of  
the treaty of  
Nimeguen.

The ten years which followed the peace of Nimeguen were the period of his highest elevation. The first exercise of his power was the erection of three courts, composed of his own subjects, and sitting by his authority, at Brissac, Mentz, and Besançon, to determine whether certain territories ought not to be annexed to France, which he claimed as fiefs of the provinces ceded to him by the Empire by the treaty of Westphalia. These courts, called Chambers of Union, summoned the possessors of these supposed fiefs to answer the King's complaints. The justice of the claim and the competence of the tribunals were disputed with equal reason. One of these provinces, called the three bishoprics, had been in the possession of France for more than a century. Its sovereignty, as well as that of Alsace, had been finally ceded thirty years, by the treaty of Westphalia. The crown of France had made no attempt during its possession or sovereignty to exercise those rights of paramount lordship to which claim was now laid. They had been long disused (if they really ever existed) by the

Aggrandisement of  
Louis XIV.

<sup>a</sup> 7th Nov. 1659. Dumont, vi., p. ii. 264.    <sup>b</sup> 2d May, 1668. Dumont, vii., p. i. 89.

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ancient masters, and could not therefore be within the true construction of the cession. To revive such superannuated pretensions, even by the equal forms of negotiation, was an invasion of the principle of possession, on which the security of nations as well as of individuals alone reposes. To require foreign rulers to answer such a plaint before French courts, was a declaration of war against all states; more especially alarming to the multitude of weak princes and towns who formed the Germanic body. The chamber of union at Mentz decreed the confiscation of eighty fiefs, for default of appearance by the feudatories, among whom were the Kings of Spain and Sweden, and the Elector Palatine. Some petty spiritless princes actually did homage to Louis for territories, which were said to have been anciently fiefs of the see of Verdun.<sup>a</sup> Under colour of a pretended judgment of one of these courts, established at Brissac<sup>b</sup>, the city of Strasburgh, a flourishing Protestant republic, which commanded an important pass on the Rhine, was surrounded at midnight, in a time of general and profound peace, by a body of French soldiers, who compelled those magistrates who had not been previously corrupted to surrender the city to the crown of France<sup>c</sup>, amidst the consternation and affliction of the people. On the same day, and almost at the same hour with the seizure of Strasburgh, a body of troops entered Casal, in consequence of a secret treaty with the Duke of Mantua, a dissolute and needy youth, who for a bribe of a hundred thousand pounds, betrayed into the hands of Louis that fortress, then esteemed the bulwark of Lombardy.<sup>d</sup> Both these usurp-

<sup>a</sup> Acte de Foi et Hommage rendu à la Couronne de France par le Comte de Linanges, Dum. vii., p. ii. 13.

<sup>b</sup> Flassan, Histoire de la Diplomatie Française, iv. 59. 63.

<sup>c</sup> Œuv. de Louis XIV., iv. 194., where the original correspondence is published. The pretended capitulation is dated on the 30th September, 1681. The design against Strasburgh had been known in July. MSS. Letters of H. Saville, minister at Paris, to Sir Leoline Jenkins. Downshire Papers.

<sup>d</sup> Œuv. de Louis XIV., iv. 216, 217. Correspondence of Louvois with Boufflers and Catinat. The mutinous conscience of Catinat astonished and displeased the haughty minister. [Casal had been ceded in 1678 by Matthioli, the Duke's minister, who, either moved by remorse or by higher bribes from the House of Austria, advised his master not to ratify the treaty; for which he was carried prisoner into France, and detained there in close and harsh



ations were in contempt of a notice from the imperial minister at Paris, against the occupation of Strasburgh, an imperial city, or Casal, the capital of Montferrat, a fief of the Empire.\* On the Belgic frontier, that monarch employed means more summary and open than pretended judgments or clandestine treaties. Taking it upon himself to determine the extent of territory ceded to him at Nimeguen, he required from the Court of Madrid the possession of such districts as he thought fit. Much was immediately yielded. Some hesitation was shown in surrendering the town and district of Alost. Louis sent his troops into the Netherlands till his demands were absolutely complied with; and he notified to the governor, that the slightest resistance would be the signal of war. Hostilities soon broke out, which made him master of Luxemburg, one of the strongest fortresses of Europe, and were terminated in the summer of 1684, by a truce for twenty years, leaving him in possession of his usurpations, and giving the sanction of Europe to principles so fruitful in wrong as those from which they sprung. To a reader of the nineteenth century, familiar with the present divisions of territory in Christendom, and accustomed to regard the greatness of France as well adapted to the whole state of the European system, the conquests of Louis XIV. may seem to have inspired an alarm disproportioned to their magnitude. Their real danger, however, will be speedily perceived by those who more accurately consider the state of surrounding countries, and the subdivision of dominion in that age. Two monarchies only of the first class existed on the continent, as the appellation of "the two crowns," then commonly used in speaking of France and Spain, sufficiently indicate. But Spain, which, under the last Austrian king, had perhaps reached the

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custody. It has been lately speciously maintained that he was the famous prisoner with the iron mask, who died in the Bastille. The bargain for Casal was disguised in the diplomatic forms of a convention between the King and the Duke. Dumont, vii. p. ii. 14. An army of 15,000 men was collected in Dauphiny, at the desire of the Duke, to give his sale the appearance of necessity. Letters of H. Saville.

\* H. Saville to Sir L. Jenkins. Fontainebleau, 12th Sept. 1681.

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lowest point of her extraordinary fall, was in truth no longer able to defend herself. The revenue of somewhat more than two millions sterling was inadequate to the annual expense.<sup>a</sup> It was about one fourth of that of Louis XIV. at the same period.<sup>b</sup> Ronquillo, the minister of this vast empire in London, was reduced to the necessity of dismissing his servants without payment.<sup>c</sup> An invader who had the boldness to encounter the shadow of a great name had little to dread, except from the poverty, which rendered the country incapable of feeding an army.<sup>d</sup> Naples, Lombardy, and the Catholic Netherlands, though the finest provinces of Europe, were a drain and a burden in the hands of a government sunk into imbecile dotage, and alike incapable of ruling and of maintaining these envied possessions. France had in twenty years acquired a fourth of the Spanish Netherlands, the barrier of Holland, under pretences so slight as never to be wanting at a convenient season. While Spain, a lifeless and gigantic body, covered the South of Europe, the manly spirit and military skill of Germany were rendered of almost as little avail by the minute subdivisions of territory. From the Rhine to the Vistula, a hundred princes, jealous of each other, fearful of offending the conqueror, and often competitors for his disgraceful bounty, broke into fragments the strength of the Germanic race. The houses of Saxony and Bavaria, Brandenburg and Brunswick, Wurtemberg, Baden, and Hesse, though among the most ancient and noble of the ruling families of Europe, were but secondary states. Even the genius of the late Elector of Brandenburg did not exempt him from the necessity or the temptation of occasional compliance with Louis. From the French frontier to the Baltic, no one firm mass stood in the way of his arms. Prussia was not then a monarchy, nor Russia an European state. The conquests of France

<sup>a</sup> *Mémoires de Gourville*, ii. 82. An account apparently prepared with care. I adopt the proportion of thirteen livres to the pound sterling, which is the rate of exchange given by Barillon, in 1679. Dalrymple, i. App. 314.

<sup>b</sup> Notice sur Colbert par Lemontey. Lettre à l'Académie Française, Juin, 1822.

<sup>c</sup> Ronquillo, MSS. Lett.

<sup>d</sup> Gourville, in 1669.

were already equal to the collective dominions of many princes, not one of whom could then be overlooked in forming a confederacy for European independence, which rendered it the bulwark of the Empire against the irruptions of the Turkish barbarians. In the south-eastern provinces of Germany, where Rodolph of Hapsburgh had laid the foundations of the greatness of his family, the younger branch had, from the death of Charles V. formed a monarchy, which, aided by the Spanish alliance, the imperial dignity, and a military position on the central frontier of Christendom, which rendered it the bulwark of the Empire against the irruptions of the Turkish barbarians, rose during the thirty years' war to such a power, that it was prevented only by Gustavus Adolphus from enslaving the whole of Germany. France, which under Richelieu had excited and aided that great prince and his followers, was hence regarded for a time as the protector of the German States against the Emperor. Bavaria, the Palatinate, and the three ecclesiastical Electorates, partly from remaining jealousy of Austria, and partly from growing fear of Louis, were disposed to seek his protection and acquiesce in many of his encroachments.\* This numerous, weak, timid, and mercenary body of German princes, supplied the chief materials out of which it was possible that an alliance against the conqueror might one day be formed. On the other hand, the military power of the Austrian monarchy was crippled by the bigotry and tyranny of its princes. The persecution of the Protestants, and the attempt to establish absolute monarchy, had spread disaffection through Hungary and its vast dependencies, the main basis of their power. In a contest between one tyrant and many, where the nation in a state of personal slavery is equally disregarded by both, reason and humanity might be neutral, if reflection did not remind us, that even

\* The Palatine, together with Bavaria, Mentz and Cologne, promised to vote for Louis XIV. as emperor in 1658. Pfeffel, ii. 360. 4to. Paris, 1776. A more authentic and very curious account of this extraordinary negotiation, extracted from the French archives, is published by Lemontey (*Monarchie de Louis XIV. Pièces Justif. No. 2.*), by which it appears that the Elector of Mentz betrayed Mazarin, who had distributed immense bribes to him and his fellows.

CHAP. XI. the contests and factions of a turbulent aristocracy call forth an  
 1688. energy, and magnanimity, and ability, which are extinguished under  
 the quieter and more fatally lasting domination of a single master.

Austria.

The emperor Leopold I., instigated by the Jesuits, of which order he was a lay member, rivalled and anticipated Louis XIV.<sup>a</sup> in his cruel prosecution of the Hungarian Protestants, which drove the nation to such despair that they sought refuge in the aid of the common enemy of the Christian name. The Turks, encouraged by the revolts of the oppressed Hungarians, and stimulated by the intrigues of the Court of Versailles, which began early<sup>b</sup>, and continued for many years, at length invaded Austria with a mighty army, and would have mastered the capital of the most noble of Christian sovereigns, had not the siege of Vienna been raised, after a duration of two months<sup>c</sup>, by John Sobieski, King of Poland, the heroic chief of a people, whom in less than a century the House of Austria contributed to blot out of the map of nations. While these dangers impended over the Austrian monarchy, Louis XIV. had been preparing to deprive it of the imperial sceptre, which in his hands would have proved no bauble. By secret treaties to which the Elector of Bavaria was tempted to agree, in 1670, by the prospect of matrimonial alliance with the House of France, and which were imposed on the Electors of Brandenburg and Saxony in 1679, after the humiliation of Europe at Nimeguen, these princes agreed to vote for Louis in case of the death of the Emperor Leopold, which his infirm health had given frequent occasion to expect. The four Rhenish electors, especially after the usurpation of Strasburgh and Luxemburgh, were in his net, and he seems to have entertained the like project for the Dauphin

<sup>a</sup> He banished the Protestant clergy, of whom 250, originally condemned to be stoned or burnt to death, but having under pretence, probably, of humanity, been sold to the Spaniards, were redeemed from the condition of galley slaves by the illustrious De Ruyter, after his victory over the French, on the coast of Sicily. Coxe, House of Austria, chap. 66.

<sup>b</sup> Voltaire, *Siècle de Louis XIV.*, says, before the peace of Nimeguen; Sir William Trumbull, ambassador at Constantinople from August, 1687, to July, 1691, names French agents employed in fomenting the Hungarian rebellion, and negotiating with the Vizir. *Memorials of my Embassy at Constantinople.* Downshire MSS.

<sup>c</sup> 14th July to 12th September, 1683.

to a still later period.<sup>a</sup> Such were the dangers which undermined or beset the only monarchy of the continent capable of making head against Louis.

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In the United Provinces, the vanquished party, whose antipathy to the House of Orange was exasperated by the cruel fate of De Witt, sacrificed the care of the national independence to jealousy of the Stadtholderian princes, and carried their devotedness to France to an excess which there was nothing in the example of their justly revered leader to warrant.<sup>b</sup> They obliged the Prince of Orange to accede to the unequal conditions of Nimeguen: they prevented him from making military preparations absolutely required by safety: they compelled him to submit to the truce for twenty years, which left the entrances of Flanders, Germany, and Italy, in the hands of France. They concerted all the measures of domestic opposition with the French minister at the Hague, and though there is no reason to believe that the opulent and creditable chiefs of that party, if they received French money at all, would deign to employ it for any other than what they had unhappily been misled to regard as a public purpose, there is the fullest evidence of the employment of bribes to an extent and with a success not proved to exist on any other occasion, to make known at Versailles the most secret counsels of the Commonwealth.<sup>c</sup> Amsterdam raised troops for her own defence<sup>d</sup>, declared her determination not to contribute towards hostilities which the measures of the general government might occasion, and entered into a secret correspondence with France, which was treated by the Prince of Orange as an act of high treason<sup>e</sup>, and which, even

The Netherlands.

<sup>a</sup> Lemontey, Nouv. Mém. de Dangeau, 478. Monarch. de Louis XIV. Pièces Justif. No. 2.

<sup>b</sup> The speed and joy with which he and Temple concluded the triple alliance seem, indeed, to prove the contrary. That treaty, so quickly concluded by two wise, accomplished, and, above all, honest men, is, perhaps, unparalleled in diplomatic transactions. "*Nulla dies unquam memori vos eximet ævo.*"

<sup>c</sup> Negotiations de M. Le Comte d'Avaux en Hollande, 1679—1688. 6 vols. 12mo. Paris, 1754, i. 13. 23. 25. 47, 48. 86. 109. 135, &c. Examples of treachery, in some of which the secret was known only to three persons. Sometimes, copies of orders were obtained from the Prince's private repositories, ii. 53.

<sup>d</sup> Dav. ii. 76.

<sup>e</sup> Dav. ii. 98. 16th Feb. 1684.

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if her claims to sovereignty were acknowledged, must be owned to be the act of a treacherous confederate. Friesland and Groningen, then under a separate Stadtholder, of a junior branch of the House of Nassau, recalled their troops from the common defence, and bound themselves, by a secret convention with Amsterdam, to act in concert with that potent and mutinous city. The signature of the truce seemed to establish the supremacy of France. The provinces of Guelderland, Overysse, Utrecht, and Zealand, adhered, indeed, to the Prince, and he still preserved a majority in the States of Holland; but it consisted only of the order of nobles and of the deputies of inconsiderable towns. Fagel, his wise and faithful minister, appeared to be in danger of destruction by the republicans, who abhorred him as a deserter from their standard. But Heinsius, pensionary of Delft, probably the ablest man of that party, having, on a mission to Versailles, seen the effects of the civil and religious policy of Louis XIV., considering consistency as dependent, not on names, but on principles, thought it the duty of a friend of liberty to join the party most opposed to that monarch's designs.<sup>a</sup> So trembling was the ascendant of the Prince in Holland, that the accession of individuals was, from their situation or ability, of great importance to him. His cousin, the Stadtholder of Friesland, was gradually gained over; and Conrad Van Benningen, one of the chiefs of Amsterdam, an able, accomplished, and disinterested republican, fickle from over-refinement, and betrayed into French councils by jealousy of the House of Orange, as soon as he caught a glimpse of the abyss into which his country was about to fall, recoiled from the brink of the precipice. He called Louis XIV. a swallower of towns and provinces.<sup>b</sup> He assured his republican friends that the intention of the King of France could only be to deceive, to divide, to conquer; that he was a conqueror, and that it was not the nature of a conqueror to stop in the midst of his conquests. D'Avaux,

<sup>a</sup> Bynkershoek, who presided in the Court of Holland during the suspension of the Stadtholdership, ironically calls the impeachment of the High Pensionary of Amsterdam by the Prince of Orange, "*Crimen læsæ majestatis Orangie*."

<sup>b</sup> Dav. i. 142.

pressed by such unanswerable observations, made an attempt to obviate them in a manner very unworthy of his talents. "Van Benningen," said he, "does not know the King. He is as much above all other conquerors as they are above ordinary men."<sup>a</sup>

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Thus did the very country where the Prince of Orange held sway, fluctuate between him and Louis; insomuch, indeed, that if that monarch had observed any measure in his cruelty towards French Protestants, it might have been impossible, till it was too late, to turn the force of Holland against him.

But the weakest point in the defences of European independence was England. It was not, indeed, like the continental states, either attacked by other enemies, or weakened by foreign influence, or dwindling from inward decay. The throne was filled by a traitor. A creature of the common enemy commanded this important post. For a quarter of a century Charles II. connived at the conquests of Louis. For this long series of treasons against his own country, which could only stand or fall with Europe, he was bribed by the conqueror with money, and with the promise of a foreign military force, to impose the religion and government of France upon his subjects. The first specimen of that policy had been the sale of Dunkirk to France, by which he strengthened that country on her conquering side, and sacrificed that means of protecting the Netherlands with which Cromwell had armed England.<sup>b</sup> Very shortly afterwards Louis was perfectly assured of Charles's subserviency.<sup>c</sup> It was not long before the King of England besought Ruvigny to procure for him a secret pecuniary treaty with the French monarch.<sup>d</sup> The negotiations suspended by the first Dutch war were, as we have seen, most perfidiously

<sup>a</sup> Dav. iv. 13, 14.

<sup>b</sup> There is some reason to believe that the Protector, alarmed at the progress of French conquest, had, at the moment of his death, a project of an alliance with Spain against France, in which Calais was to be the lot of England; an acquisition which, together with Dunkirk, might have prevented the conquest of Flanders.

<sup>c</sup> "Me lier avec la dernière liaison avec l'Angleterre, ce que je puis faire du soir au lendemain." Le Roi à D'Estrades, 20th Dec. 1663. D'Estr. ii. 347.

<sup>d</sup> Dec. 1664. Compare D'Estrades' despatch of 18th Dec. 1664, in D'Estrades, ii. 569. with Ruvigny's Report to his master, 3d July, 1663. Dalrymple, Append. 11.

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renewed at the very moment of the triple alliance. The degenerate Charles never had the excuse of yielding to seduction. He constantly assailed Louis with the importunity as well as venality of an abject prostitute. During the second Dutch war, he revealed to the world the designs which he was at other times compelled to dissemble. During the last fourteen years of his reign, he appears to have engaged in eight secret treaties for French money, to all of which his brother and probable successor was privy. More than one of these<sup>a</sup> were during the time in which he was acting the part of an impartial mediator in the negotiation at Nimeguen, solicitous apparently only for justice, or if biassed, only by anxiety for the general security of Europe. During the last ten years of his reign he received a secret pension, on condition of abandoning the continent to Louis, as well as of suspending the constitution, and violating an express law, by the intermission of parliament.<sup>b</sup> When, however, Louis became desirous of possessing Luxemburgh, Charles extorted an additional bribe for connivance at that new act of rapine.<sup>c</sup> After he had sold the fortress, he proposed himself to Spain as arbitrator in the dispute regarding it<sup>d</sup>; and so notorious was his perfidy, that the Spanish ministers at Paris did not scruple to justify their refusal to his ambassador, by telling him, "that they refused because they had no mind to part with Luxemburgh, which they knew was to be sacrificed if they accepted the offer."<sup>e</sup> After a short interruption of good understanding, Charles, in soliciting money from Louis, distinctly avowed to Barillon the ruling principle of his life,—“I should rather depend on your master than on my people.”<sup>f</sup> The Duke of York most zealously seconded his brother:—“Not one of your Majesty’s

<sup>a</sup> Dalry. App. to Review, 98—117. and 156—192.

<sup>b</sup> Ibid. 301.

<sup>c</sup> “My Lord Hyde (Rochester) ne m’a pas caché que si son avis est suivi le Roi s’en entrera dans un concert secret pour avoir à V. M. la ville de Luxemburgh.” Id. App.

p.i. 18. Barillon au Roi,  $\frac{7}{17}$  Nov. 1681.  $\frac{21 \text{ Nov.}}{1 \text{ Dec.}}$ , 1681.

<sup>d</sup> Barillon,  $\frac{15}{25}$  Dec. 1681.

<sup>e</sup> Lord Preston to Secretary Jenkins, Paris,  $\frac{16}{26}$  Dec. 1682.

<sup>f</sup> Barillon,  $\frac{2}{12}$  Jan. 1679. Dalry.



subjects," said a French ambassador to his sovereign, "wishes you more success than the two brothers." He adds, as a merit towards Louis, what is the strongest mark of the alienation of these unnatural princes from their own nation:—"But you can count only on these two friends in England."<sup>a</sup> Both equally betrayed the interest and dignity of the Prince of Orange. The King betrayed to the French the anxiety of the Dutch and even of the Prince for peace.<sup>b</sup> Out of deference to the Court of France, he refused his consent to the Lady Mary's marriage with the Prince in 1674; and when it was at length agreed on, he excused it (with equal baseness whether the excuse were false or true), as an expedient for quieting the suspicions of his subjects of his connections with France.<sup>c</sup> The Duke of York said to Barillon, "I consider myself as ruined *for my religion*, if the present occasion does not serve to subject England."<sup>d</sup> At the same time, he professed to the Prince of Orange his zeal for the war against France; and acceded with apparent joy to that Prince's proposal, that the Duke should himself command the English auxiliaries in Flanders.<sup>e</sup> These specimens of the policy of Charles and James, selected from the documents already published, are sufficient to show, that the English government was in their hands the main stay of the common enemy. From many intimations in the published correspondence, from the evident negligence with which the search has hitherto been conducted, and from the fact, that many of the corrupt and clandestine agreements being merely verbal, must have left traces too faint to be perceived by hasty examiners, it seems very probable that farther investigation might yet discover

<sup>a</sup> Courtin au Roi,  $\frac{18}{28}$  Jan. 1677. Dalry.

<sup>b</sup> Id.  $\frac{26 \text{ Oct.}}{5 \text{ Nov.}}$ , 1676. Ibid. and Blancard's Report, Dal. App. 117.

<sup>c</sup> Barillon au Roi,  $\frac{21 \text{ Oct.}}{1 \text{ Nov.}}$ , 1677. Dal.

<sup>d</sup> Barillon au Roi,  $\frac{8}{18}$  April, 1678. Dal. "Perdu *pour* sa religion," is strangely translated by Dalrymple, "Lost *as to* his religion."

<sup>e</sup> Letters from the Duke of York to the Prince of Orange, Jan.—April, 1678. Dal.

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more complete evidence of a system of treachery, which, for the length of its continuance, the vileness of its motives, the baseness of its means, and the magnitude of its evil consequences, is without parallel in the history of mankind. Even with our present information, it may be safely affirmed, that in the reign of Charles, no criminal who suffered death had been guilty of so many immoral and pernicious acts as his sovereign. So signal an example of perfidy tended to destroy all faith between governments, and to render concert against the conqueror impossible. Almost the whole aggrandisement of Louis XIV. might have been averted by common honesty on the part of Charles II. To his faithless and mercenary breach of the triple alliance may justly be ascribed the expense, danger, desolation, and bloodshed, which were incurred by the European confederacy in those wars, which were waged for twenty-five years to reduce the power of Louis XIV. within reasonable limits. The internal condition of England herself was discomposed by the suspicion entertained by all, and the knowledge possessed by some, of the sinister designs of the government. A king who called in foreign aid, and received foreign bribes, exposed himself to the danger of seeing his ministers corrupted, and his opponents tempted to imitate his example. Some of those who opposed Charles in parliament, had been so often deceived by him, that, believing his show of preparation for war against France in 1678 to be merely an expedient for obtaining an army and a revenue, which would enable him to become absolute, they opposed measures<sup>a</sup> into which circumstances might then have hurried that prince, and by which he might have involuntarily contributed to a less ruinous peace than that of Nimeguen. Louis, admitted by the King within the circle of domestic differences, as he found Charles by his fears driven to support the cause of Europe, did not scruple to make advances to the English enemies of the Court. Desirous of detaching France from their own sovereign, and of thus depriving him of the most effectual ally

<sup>a</sup> Barillon,  $\frac{4}{14}$  March, 1678.

in his project for rendering himself absolute, they reprehensibly and unhappily accepted the aid of Louis in counteracting a policy which they had good reason to dread. They considered this dangerous understanding as allowable for the purpose of satisfying their party, that in opposing Charles they would not have to apprehend the power of Louis, and disposing the King of France to spare the English constitution, as some curb on the irresolution and inconstancy of his royal dependent, in those cases where these despicable qualities might themselves have accidentally rendered him a less obedient slave. To destroy confidence between the Courts seemed to be an object so important, as to warrant the use of ambiguous means; and it was not unnatural to hope, that if Louis became familiar with such negotiations, they might reconcile him to the power of parliament, as a barrier against succeeding kings of more English spirit. The usual sophistry, by which men who are not depraved excuse to themselves great breaches of morality, could not be wanting. They could easily persuade themselves that they could stop when they pleased, and that the example could not be dangerous in a case where the danger was too great not to be of very rare occurrence. In these circumstances, some of them are said by the French ambassador to have so far copied their prince as to have received French money, though they are not charged with being, like him, induced by it to adopt any measures at variance with their avowed principles; a material difference, indeed, but rather as it aggravates his guilt, than as an excuse for the gross, and perilous, and odious qualities ascribed to his adversaries. Barillon is a single witness, who might have fabricated the accounts of the distribution of money to cover the conversion of the funds to his own private purposes; whose expenditure in this case must have been unchecked by the necessity of producing vouchers, and whose unsupported testimony was screened by the profound secrecy of his correspondence from the ordinary risks of detection. As it was not pretended that the largesses were to influence the public conduct of the parties, the most important means of corroboration or contradiction were

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altogether wanting. If, upon this defective evidence, and in a case where we can never hear the defence of the accused, we should be inclined to believe, that in an age of little pecuniary delicacy, when large presents from sovereigns were scarcely deemed dishonourable, and when many princes, and almost all ministers were in the pay of Louis XIV., some part of the statement may be true, it is due to the haughty temper, not to say to the high principles of Sidney; it is due, though in a very inferior degree, to the ample fortunes of others of the persons named, to believe, that the polluted gifts, if received at all, were applied by them to elections and other public interests of the popular party, which there might be a fantastic gratification in promoting by treasures diverted from the use of the Court. These unhappy transactions, which in their full extent require a more critical scrutiny of the original documents than that to which they have been subjected, are not pretended to originate till ten years after the concert of the two Courts, and were relinquished as soon as that concert was resumed. Yet the reproach brought upon the cause of liberty by the infirmity of some men of great soul, and of others of the purest virtue is, perhaps, the most wholesome admonition pronounced by the warning voice of history against the employment of sinister and equivocal means for the attainment of the best ends.

## Popish Plot.

To the corrupt policy of the Court must also, in a great measure, be ascribed the ready credit given to the Popish Plot. A real conspiracy against the religion and liberties of the kingdom was well known to exist. The tale of Titus Oates found an easy entrance into minds predisposed to believe such things by their knowledge of the designs of Charles and James in concert with Louis. The apparently strong confirmation given to his statement, which imputed a correspondence with Père La Chaise\* to Coleman,

\* "The Duke, perceiving that Oates had named Coleman, bid him look to himself." *Life of James*, i. 534.;—express words of James. Oates was examined before the Privy Council on the 6th September, and before Godfrey on the 27th September. Godfrey sent Coleman to the Duke with the deposition. Godfrey was found dead at Primrose Hill on the 17th October. Coleman was not apprehended till the 29th October, a month after he had been sent with the depositions, and twelve days after the death of Godfrey. Whoever will read

by the actual discovery of a small part of that correspondence in Coleman's House; the probability, or rather moral certainty, that Coleman, who had been warned of his danger a considerable time before by the Duke, had destroyed the great mass of his dangerous letters, and that the few which had been seized had only by accident escaped destruction; the contents of these few; their natural meaning, considered only in themselves<sup>a</sup>; and their singular coincidence with the communications of the King and the Duke with the French Court, which appear to have been known to Coleman<sup>b</sup>; together with the mysterious circumstances of the death of Godfrey, the magistrate who had taken Oates's information, an event which is to this day incomprehensible, — form at least an excuse for the first concurrence of all parties in the prosecution of the Plot, especially if we confine our view to the first paroxysm of fear and horror which it excited. The loose assent of the King to the Church of Rome in his youth<sup>c</sup> neither moderated his vices nor silenced his jests, nor always quelled his doubts; but, besides the deep taint given to his mind by the infliction of punishment, and even of death itself, under his authority, for no other crime than that of being a priest of the only religion to which he leaned; the general belief of his defection to an unpopular communion, — had peculiarly important effects on national

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the three letters seized, and consider these dates, together with the warning given by James, will have no doubt that Coleman was confident of his having destroyed the whole correspondence.

<sup>a</sup> See especially the last letter. Howell, *State Trials*, vii. 56. <sup>b</sup> Burnet, *Oxford Edit.*, ii. 167.

<sup>c</sup> "I conclude that when he came into England he was as certainly a Roman Catholic as a man of pleasure; both very consistent by visible experience." Halifax's *Character of Charles II.* London, 1751. "I take it for granted after the first year or two" (of residence at Paris,) "he was no more a Protestant." Ibid. As he came to Paris after the battle of Worcester, in September, 1651, and remained there till June, 1654 (Clarendon, *Life*, part vi.), this passage seems to place his reconciliation in 1653. It was known to Cromwell. Ibid. It was accidentally discovered by the Duke of Ormond at Brussels, in 1658. Carte's *Ormond*, ii. 254. It had before that time been entrusted to Bennett and Bristol, who were themselves Catholics. Ibid. It was betrayed by Charles to the Prince of Orange in 1670. Burnet, i. It must have been antecedent to the writing of the two papers found in his study, and Father Huddleston's account of the solemnities on his death-bed, seems to imply, that he had before been reconciled to the Church. "Le Roi," says the Père d'Orleans, "mauvais Chrétien dans ses mœurs, mais Catholique dans le cœur." *Révolution de l'Angleterre*, iv. 208.

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opinion at the more critical periods. It is hard to suppose that the knowledge of his religious partialities and of his clandestine projects was not gradually imparted to many Catholics, as a consolation under their afflictions ; and if we were to indulge a suspicion that the more zealous politicians, especially among the monastic communities of the Continent, impatient of the King's slow and wavering policy, and indignant at the cruelties which he suffered to be inflicted on their brethren, were betrayed into such angry language, and daring projects for the summary re-establishment of the Church, as might afford some foundation on which Oates built his first narrative,—a suspicion, however, for which there is no direct evidence,—it would serve more to illustrate the dangerous influence of the King's illicit intercourse with France on his own religion, than either to lessen the guilt of the informers, to palliate the atrocity of many of the trials<sup>a</sup>, or to throw any general reflections on the Catholic body.

Bill of Ex-  
clusion.

The popular party, who, for years after they knew the Duke of York's conversion, had no thought of disturbing his right of inheritance, at last, after being long possessed of full evidence of his share in secret plans of war against their religion and liberty, began to take legal measures of self-defence, by introducing a bill into Parliament to exclude him from the succession to the crown. Foiled in this attempt, and when Charles, by the disuse of Parliament, had shut up all avenues to peaceable redress, they engaged in consultations, whether an armed resistance to his misgovernment was not practicable, and had not become just. Whether Lord Essex, Lord Russell, Mr. Sidney, and Mr. Hampden had taken active measures to carry designs of revolt into execution, was a legal question, rashly answered in the affirmative by juries who found two of them guilty on evidence not sufficient to be the foundation of a just conviction. As an historical

<sup>a</sup> These trials have been lately estimated by Mr. S. M. Phillips (State Trials, i.; London, 1826) with judicial sagacity and impartiality, and with a calmness very agreeable on matters which have excited such angry controversy. On the conduct of the trials it is impossible to hesitate, except, perhaps, in that of Coleman. As an historical question, the Popish plot is still covered with obscurity.

question, it may still be doubted whether they had done an irretrievable act, or even adopted a final determination. Morally, no doubt could be entertained, except what is founded on the improbability of success; for, of the justice of a war against Charles, no man can doubt who approves that revolution on which the laws and liberties of England now stand.

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Every irregular and eccentric movement of English parties gave a new shock to the policy of the Prince of Orange. His connection with the House of Stuart was sometimes employed by France to strengthen the jealous antipathy of the republicans against him. On another occasion he was himself obliged to profess a reliance on that connection which he did not feel, in order to gain an appearance of strength. As the Dutch republicans were prompted always to thwart his measures by a misapplied zeal for liberty, so the English Whigs were for a moment compelled to enter into a correspondence with the common enemy by the like motives. But in his peculiar relations with England the imprudent violence of the latter party was as much an obstacle in his way as their alienation or opposition. The interest of Europe required that he should never relinquish the attempt to detach the English government from the conqueror. The same principle, together with legitimate ambition, prescribed that he should do nothing, either by exciting enemies or estranging friends, which could endanger his own and the Princess's right of succession to the crown. It was his obvious policy, therefore, to keep up a good understanding with the popular party, on whom only he could permanently rely; to give a cautious countenance to their measures of constitutional opposition, and especially to the bill of exclusion\*, the most effectual mode of cutting asunder the chains which bound England to the car of Louis, rather than to the proposed limitations on a

Connection  
of English  
affairs with  
the policy of  
William.

\* Burnet, ii. 245. Temple, i. 355. Mem. part iii., fol.; London, 1720. "My friendship with the Prince (says Temple) I could think no crime, considering how little he had ever meddled, to my knowledge, in our domestic concerns since the first heats in Parliament, though sensible of their influence on all his nearest concerns at home; the preservation of Flanders from French conquest, and thereby of Holland from absolute dependence on that Crown." Ibid.

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Catholic successor, which might permanently weaken the defensive force of the monarchy<sup>a</sup>; to discourage and stand aloof from all violent counsels, likely either to embroil the country in such lasting confusion as would altogether disable it for aiding the sinking fortunes of Europe; or, by their immediate suppression; to subject all national interests and feelings to Charles and his brother; and in which he could not be neutral without supplying the Court with a specious colour of exclusion against the Princess. As his open declaration against the King or the popular party would have been perhaps equally dangerous to English liberty and European independence, he was averse from those projects which reduced him to so injurious an alternative. Hence his conduct in the case of what is called the Rye House Plot, in which his confidential correspondence manifests<sup>b</sup> indifference and even dislike to those who were charged with projects of revolt; all which might seem unnatural if we did not bear in mind that at the moment of the siege of Vienna, he must have looked at England almost solely, as the only counterpoise of France. His abstinence from English intrigues was at this juncture strengthened by lingering hopes that it was still possible to lure Charles into those unions which he had begun to form against farther encroachment, under the modest and inoffensive name of Associations to maintain the treaty of Nimeguen<sup>c</sup>, which were in three years afterwards

<sup>a</sup> Letters of Prince of Orange to Sir Leoline Jenkins, July, 1680. February, 1681. Dal. App. to Review.

<sup>b</sup> MS. Letters from the Prince to Mr. Bentinck, in England, July and August, 1683. By the favour of the Duke of Portland, I possess copies of the whole of the Prince's correspondence with his friend, from 1677 to 1700; written with the unreserved frankness of warm and pure friendship, in which it is quite manifest that there is nothing concealed.

<sup>c</sup> The first of these appears to have been that between Sweden and Holland, at the Hague. 10th Sept. 1681. "Pro firma conversatione pacis neomagensis imo et monastiensis." Dumont, vii. par. ii. 15. Accession of the Emperor Leopold, 28th February, 1682. Id. ibid. 19. Of Spain, 2d May, 1682. Id. 22. Circles of Franconia and Upper Rhine, with Elector of Brandenburg, 10th June, 1682. Id. 25. Denmark and Brandenburg, 14th Sept. 1682. Id. 36. Emperor and Sweden, 12th Oct. 1682. Id. 37. Emperor with Brunswick and Luxemburg, 14th January, 1683. Id. 51. Emperor and Bavaria, 26th January, 1683. Id. 54. Emperor, Spain, Sweden, Holland, March, 1683. Id. 55—57. Circles of Bavaria and Westphalia, 2d March, 1683. Renewal between Holland and Sweden, 13th January, 1686. Id., &c. &c.



completed by the league of Augsburgh<sup>a</sup> and which, in 1689, brought all Europe into the field to check the career of Louis XIV. William, who from the peace of Nimeguen was the acknowledged chief of the confederacy gradually forming to protect the remains of Europe, had now slowly and silently removed all the obstacles to its formation except those which arose from the unhappy jealousies of the friends of liberty at home, and the fatal progress towards absolute monarchy in England. Nothing but an extraordinary union of wariness with perseverance, two qualities which he possessed in a higher degree, and united in juster proportions than perhaps any other man, could have fitted him for that incessant, unwearied, noiseless exertion which alone suited his difficult situation. His mind, naturally dispassionate, became by degrees steadfastly and intensely fixed upon the single object of his high calling. Brilliant only on the field of battle; loved by none but a few intimate connections; considerate and circumspect in council; in the execution of his designs, bold even to rashness, and inflexible to the verge of obstinacy, he held his onward course with a quiet and even pace which wore down opposition, outlasted the sallies of enthusiasm, and disappointed the subtle contrivances of a refined policy. Good sense, which, in so high a degree as his, is one of the rarest of human endowments, had full scope for its exercise in a mind seldom invaded by the disturbing passions of fear and anger. With all his determined firmness, no man was ever more solicitous not to provoke or keep up needless enmity. It is no wonder that he should be influenced by this principle in his dealings with Charles and James, for there are traces of it even in his rare and transient intercourse with Louis XIV. He caused it to be intimated to him “that he was ambitious of being restored to his Majesty’s favour<sup>b</sup>,” to which it was haughtily answered, “that when such a disposition was shown in his conduct, the King would see what was to be done.” Yet

<sup>a</sup> League of Augsburgh,  $\frac{28 \text{ June}}{9 \text{ July}}$ , 1686. Dumont, vii. p. ii. 131.

<sup>b</sup> 5th Dec. 1680. Davaux. i. 5.

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Davaux believed that the Prince really desired to avoid the enmity of Louis, as far as was compatible with his duties to Holland and his interests in England. In a conversation with Gourville<sup>a</sup>, which affords one of the most characteristic specimens of intercourse between a practised courtier and a man of plain inoffensive temper, when the minister had spoken to him in more soothing language, he professed his warm wish to please the King, and proved his sincerity by adding that he never could neglect the safety of Holland, and that the decrees of reunion, together with other marks of projects of universal monarchy, were formidable obstacles to good understanding. It was probably soon after these attempts that he made the remarkable declaration,—"Since I cannot earn his Majesty's favour, I must endeavour to earn his esteem."

The death of Charles II. gave William some hope of an advantageous change in English policy. Many worse men and more tyrannical kings than that prince, few persons of more agreeable qualities and brilliant talents have been seated on a throne. But his transactions with France probably afford the most remarkable instance of a King with no sense of national honour or of regal independence, the last vestiges which departing virtue might be expected to leave behind in a royal bosom. More jealousy of dependence on a foreign prince was hoped from the sterner temper of his successor. William accordingly made great efforts and sacrifices to obtain the accession of England to the European cause. He declared his readiness to sacrifice his resentments, and even his personal interests, and to conform his conduct to the pleasure of the King in all things compatible with his religion and with his duty to the republic<sup>b</sup>; limitations which must have been

<sup>a</sup> Gourville au Roi, 18th March, 1681. Mem. ii. 204.

<sup>b</sup> Davaux,  $\frac{13}{23}$  Feb. and  $\frac{26 \text{ Fevrier}}{8 \text{ March}}$ , 1685. The last contains an account of a conversation of William with Fagel, overheard by a person who reported it to Davaux. A passage in which Davaux shows his belief that the policy of the Prince now aimed at gaining James, is suppressed in the printed collection, but preserved in Fox MSS., ii. 14.

considered as pledges of sincerity by him to whom they were otherwise unacceptable. He declared his regret at the appearance of opposition to both his uncles, which had arisen only from the necessity of resisting Louis, and he sent M. D'Auverquerque to England to lay his submission before the King, and to request that his Majesty would prescribe the conduct which he desired the Prince to pursue. James desired that he should relinquish communication with the Duke of Monmouth, dismiss the malcontent English officers in the Dutch army, and adapt his policy to such engagements as the King should see fit to contract with his neighbours.<sup>a</sup> To the former conditions the Prince submitted without reserve. The last, couched in strong language by James to Barillon<sup>b</sup>, hid under more general expressions by the English minister to Davaux, but implying in its mildest form an acquiescence in the projects of the conqueror, was probably conveyed to the Prince himself in terms capable of being understood as amounting only to an engagement to avoid an interruption of the general peace.<sup>c</sup> In that inoffensive sense it seems to have been accepted by the Prince; since the King declared to him that his concessions, which could have reached no farther, were perfectly satisfactory.<sup>d</sup> During these unexpected advances to a renewal of friendship between the King and his son-in-law, an incident occurred, apparently inconsistent with them, which has ever since, in the eyes of many, thrown some shade over the sincerity of

<sup>a</sup> Compare Davaux, 8 Mars, with Barillon,  $\frac{19 \text{ Feb.}}{1 \text{ Mar.}}$ , and  $\frac{23 \text{ Feb.}}{5 \text{ Mar.}}$ , 1685.

<sup>b</sup> "Que M. Le Prince d'Orange changeât entièrement sa conduite à l'égard de la France." Fox, App., 46.

<sup>c</sup> James afterwards informed Barillon, that the Prince had answered him satisfactorily on all other points, but had not taken notice of the wish that he should connect himself with France. Fox, Hist. James II. I have not yet discovered in the despatches the foundation of this last statement. Mr. Fox's reasoning is unanswerable, and tallies with the text, except that his supposition charges James with more positive insincerity than I am willing to impute to him.

<sup>d</sup> James to the Prince of Orange,  $\frac{6}{16}$ ,  $\frac{16}{26}$ , and  $\frac{17}{27}$  March, 1685. Dalrymple, App. to part i. No exact account of the Prince's concessions has yet been discovered, which reduces the historian to the necessity of being satisfied with probable inferences.

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William. This was the landing in England of the Duke of Monmouth, with a small number of adherents who had embarked with him at Amsterdam. He had taken refuge in the Spanish Netherlands, and afterwards in Holland, during the preceding year, in consequence of a misunderstanding between him and the ministers respecting the nature and extent of the confession concerning the reality of the Rye House Plot, published by them in language which he resented as conveying unauthorised imputations on his friends. The Prince and Princess of Orange received him with kindness, from personal friendship, from compassion for his sufferings, and for his connection, although not blameless, with the popular and Protestant party in England.<sup>a</sup> The transient shadow of a pretension to the crown did not awaken their jealousy. They were well aware that whatever complaints might be made by ministers, Charles himself would not be displeased by kindness towards his favourite son.<sup>b</sup> There is, indeed, little doubt that in the last year of his life he was prevailed on by Halifax to consult his ease, as well as his inclination, by the recall of his son, as a counterpoise to the Duke of York, and thus produce the balance of parties at court, which was one of the darling refinements of that too ingenious statesman.<sup>c</sup> Reports were prevalent that Monmouth had privately visited England, and that he was well pleased with his journey.<sup>d</sup> He was assured by confidential letters, evidently sanctioned by his father, that he should be recalled in February.<sup>e</sup> It appears also that Charles had written with his own hand a letter to the Prince of Orange, beseeching him to treat Monmouth kindly, which D'Auverquerque was directed to lay before James as a

<sup>a</sup> Dav.  $\frac{13}{23}$  Fev. 1685. Dav. iv. 139.

<sup>b</sup> "Bentinck et d'autres créatures du Prince disent hautement qu'il ne fait aucun demarche à l'égard de M. de Monmouth que du consentement du Roi d'Angleterre." Dav.  $\frac{1}{11}$  Jan. 1685. Fox MSS., ii. 2. This passage, important from being written during the life of Charles, is suppressed in the printed despatches.

<sup>c</sup> Burnet, &c.

<sup>d</sup> Burnet, ii. 452. Oxf. edit.

<sup>e</sup> Diary in Monmouth's pocket-book, taken when he was made prisoner, and published in the Appendix to Wellwood's Memoirs, 5th January and 3d February (no year certain).

satisfactory explanation of whatever might seem suspicious in the unusual honours paid to that unfortunate nobleman.<sup>a</sup> It was no wonder that Monmouth, on hearing of his father's death, should have been overheard to break out into cries and lamentations<sup>b</sup>; which filial sorrow, however sincere, could not have produced; and that the last extract which is preserved of his melancholy journal should be:—"16. Feb; the sad news of his death by L. O cruel Fate."<sup>c</sup>

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The removal of Monmouth from Holland became the necessary consequence of the change produced in the Prince's policy by James's accession. Before he left the Hague the Prince and Princess approved the draft of a submissive letter to James which he had laid before them.<sup>d</sup> They exacted from him a promise that he would engage in no violent enterprises inconsistent with this submission.<sup>e</sup> Nor is there any reason to doubt the sincerity of Monmouth. Despairing of clemency from his uncle, he then appears to have entertained designs of retiring into Sweden, or of serving in the imperial army against the Turks; and he listened for a moment to the projects of some French Protestants, who

Davaux,  $\frac{17}{27}$  Mar. 1685. Fox MSS. ii. 48. Davaux observes that this account was openly and confidently circulated by the Prince's friends; that it was believed by the magistrates of Amsterdam, his greatest enemies, and that it had been confidentially told by Bentinck, in the lifetime of Charles, to the Danish ambassador, who gave credit to it. It becomes more important from being suppressed in the printed despatches.

<sup>b</sup> Monmouth a été comme un homme désespéré. On l'a entendu dans la petite maison où il loge faisant des cris et des lamentations. Dav.  $\frac{12}{22}$  Feb., Dav. iv. 136.

<sup>c</sup> Notes in Welwood. Welwood was physician to William III. His book, dedicated to that monarch, was written at the desire of Queen Mary. It is characterised by generous moderation to fallen enemies, and even to religious adversaries. These circumstances, and the extraordinary coincidence of this entry with the despatch of Davaux, place the authenticity of the notes in the pocket book above suspicion. I have before me two editions; the first in 1700; another in 1710, when he had lost his station as a royal physician. L. seems to be Halifax.

<sup>d</sup> Davaux,  $\frac{17}{27}$  Feb., Dav. iv. 140.

<sup>e</sup> "The Prince and Princess of Orange will be witnesses for me of the assurance I gave them, that I would never stir against you." Monmouth to the King, 8th July, 1685. James II., ii. 32. "Now you see how little trust is to be given to what the D. of Monmouth says." James II. to the Prince of Orange, 19th May, 1685. Dalrymple, App. p. i. b. 2.

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proposed that he should put himself at the head of their unfortunate brethren, whom they were desirous of exciting to revolt against the ruin which then hung over them. He seems for a considerable time to have adhered to his determination. He thought the difficulties of an enterprise against England insuperable. The circumstances of his party appeared to him at the moment desperate; and he entreated his more zealous friends to consider whether by struggling with their chains they were not likely to make them more galling.<sup>a</sup> Subsequent to the death of Charles II.<sup>b</sup> even the French minister in Holland mentions no intercourse of Monmouth with William or his friends, except in one or two short interviews which humanity or civility might require.<sup>c</sup> The Governor of the Spanish Netherlands, desirous of conciliating James, drove Monmouth from their territory, and the importunity of the English and Scotch refugees in Holland induced him to return privately there to be present at their consultations. He found the Scotch exiles, who were proportionately more numerous and of greater distinction, and who felt more bitterly from the bloody tyranny under which their countrymen suffered, impatiently desirous to make an immediate attempt for the delivery of their country. Fergusson, the nonconformist preacher, whether from treachery, as was afterwards suspected, or from the rashness which is the attendant on unacquaintance with danger, seconded the impetuosity of his countrymen. Andrew Fletcher of Saltoun, a man of heroic spirit, and a lover of liberty even to enthusiasm, who had just returned from serving in Hungary, dissuaded his friends from an enterprise which his political sagacity

<sup>a</sup> Monmouth's Letter (Welwood, App. to No. 15.) to an unnamed adherent.

<sup>b</sup> The enemies of William's character have thrown considerable darkness over this part of history, by dwelling on the honours which he showed to Monmouth, without remarking, with sufficient distinctness, that they all preceded the death of Charles. Mac. Hist. G. B., i. 437., Life of James II., ii. 24., and Père d'Orl. Rev. d'Angl., iii. 289.

<sup>c</sup> Davaux,  $\frac{12}{22}$  Mar. and  $\frac{9}{19}$  Ap. 1685. A comparison of these passages with Macpherson will show the boldness of the inferences in which the latter indulges. It must be remarked, however, that the passages in the "Life of James" rest only on the credit of Dicconson, the compiler, and that the insinuations of the Jesuit are very cautious.

and military experience taught him to consider as hopeless, and destructive of its own objects. CHAP. XI.

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In assemblies of suffering and angry exiles it was to be expected that rash counsels should prevail, yet Monmouth appears to have resisted them longer than could have been hoped from his judgment or temper. It was not till two months after the death of Charles II. that the vigilant Davaux intimated his suspicion of a design to land in England.\* Nor was it till three weeks after that he was able to transmit to his Court the particulars of the equipment for that object. It was only then that Skelton, the minister of James, complained of these petty armaments to the President of the States-general and the magistrates of Amsterdam, neither of whom had any authority in the case. They referred him to the Admiralty of Amsterdam, the competent authority in such cases, who, as soon as they were authorised by an order from the States-general, proceeded to arrest the vessels freighted by Argyle. But in consequence of a mistake in Skelton's description of their station, their exertions were too late to prevent the sailing of the unfortunate expedition on the 5th of May. The natural delays of a slow and formal government, the jealousy of rival authorities, exasperated by the spirit of party, and the license shown in such a country to navigation and traffic, are sufficient to account for this short delay. If there was in this case a more than usual indisposition to overstep the formalities of the constitution, or to quicken the slow pace of the administration, it may be well imputed to natural compassion towards the exiles, and to the strong fellow-feeling which arose from agreement in religious opinion, especially with the Scotch. If there were proof even of absolute connivance, it must be ascribed solely to the magistrates and inhabitants of Amsterdam, the ancient enemies of the House of Orange, who might look with favour on an expedition which might prevent the Stadtholder from being strengthened by his connection with the King of England, and

\* Davaux,  $\frac{9}{19}$  April, 1685. 174.

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who, as we are told by Davaux himself, were afterwards filled with consternation when they learned the defeat of Monmouth. On the news of Argyle's landing in Scotland, James desired that the States-general should send over the three Scotch regiments in their service to his aid. The Prince offered to go at their head.<sup>a</sup> This offer was declined with no appearance of disgust, and the immediate despatch of the three regiments was carried through the States<sup>b</sup> by the influence of Fagel and Bentinck, in spite of the obstinate resistance of Amsterdam and their adherents. It is somewhat singular that Skelton did not complain of Monmouth's equipment till the 5th of June, two days after the embarkation of that unfortunate nobleman, who found means to elude the search which was in consequence directed to be made for him, and finally left the coast of Holland on the 9th.<sup>c</sup> Before he quitted that country, he wrote a letter of thanks to the magistrates of Amsterdam for their favour to himself and his adherents, and he expressed himself in terms of anger, and even of revenge, against the Prince of Orange, for having sacrificed his friendship to regain that of James.<sup>d</sup> The unexpected progress of Monmouth after his first landing induced James to apply for the three English regiments in the Dutch service.<sup>e</sup> An immediate assent was given to that proposition, and the Prince sent his friend Bentinck to London, to offer his personal services, and those of such generals and other officers as might be needed, for the suppression of the revolt. The private instructions of Bentinck bore date on the very day on which Monmouth was prevailed upon to cause himself to

<sup>a</sup> James II. to P. of Orange,  $\frac{22 \text{ May}}{1 \text{ June}}$ , and  $\frac{2}{12}$  June, 1685. Dal. App. p. i. b. 2.

<sup>b</sup> Fox MSS., ii.

<sup>c</sup> Those dates are new style, to suit the despatches of Davaux.

<sup>d</sup> Fox MSS., ii. 5th July, 1685. This despatch, which is not printed, sufficiently confutes all those which contain insinuations of the Prince's being privy to Monmouth's expedition; most of which seem to have been intended to furnish Louis XIV. with the means of preventing a reconciliation between the English and Dutch governments.

<sup>e</sup> James II. to P. of Orange,  $\frac{17}{27}$  June, 1685. Dal. App. p. i. b. 2.



be proclaimed King.<sup>a</sup> Before that event was known in Holland an irrevocable offer was thus made by the Prince, of which the acceptance was likely to provoke Monmouth to make public the secret encouragement or instigation he had received at the Hague, if any such had really existed. No man of common understanding could have ventured to defy the possessor of so fatal a secret. Bentinck, who heard of Monmouth's declaration on his arrival in England, was gratefully received by James. The answer in which he declined the offer of the Prince, bears every mark of satisfaction and confidence.<sup>b</sup> The subsequent fate of Monmouth has been already related by historians, and no part of his expedition is, indeed, within the scope of this work, otherwise than as it illustrates the conduct of the Prince of Orange relating to the affairs of England. Common humanity was sufficient to induce him to dissuade Monmouth and Argyle from projects so crude that these unfortunate noblemen were unable, in their first declaration, to specify the sovereign whom they were to place on the throne, or even the form of government which they were to recommend to the two nations. Nothing, however, is more obvious than that the enterprise tended to disturb his designs, and endanger his interests. It is difficult to determine which of its possible results was likely to be most disadvantageous to him; its complete success would have excluded the Princess of Orange from the succession to the crown; the effects of its entire failure, in strengthening the influence of the French party, are known to us from history; a protracted civil war, the only remaining result, would have rendered it impossible for England to lend any assistance to the cause of Europe. At a moment when the prospect of the Princess's succession was daily brightening, it was evidently his policy, even if he had no hopes of gaining over James, to keep the internal tranquillity of England undisturbed. Those writers, who

<sup>a</sup> Bentinck's Instructions,  $\frac{24 \text{ June}}{4 \text{ July}}$ , 1685. Copy of Portland MSS., 28.

<sup>b</sup> James II. to P. of Orange,  $\frac{30 \text{ June}}{9 \text{ July}}$ , 1685. Dal. App. p. i. b. 2.

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without any evidence impute to him the design of employing Monmouth to excite a confusion in Great Britain, of which he might at an undetermined period reap some uncertain fruit, seem to be equally strangers to his character, to his circumstances, and to the general maxims of civil prudence. Men so cautious as he was, are not willing to embark in designs of which no human sagacity can foresee the probable event. To trust the brittle machinery of political contrivance amidst the shocks of unexpected passions and events, to incur the risks of a wilderness of crooked policy, where the paths and the issues are alike hid from our view, would have been widely at variance with the plain dictates of that sober and modest good sense which was the usual guide of his conduct.

The offer of military service, made by William, was in itself not at all desirable to him ; for though the body of the popular party had shown no disposition to embark in so desperate an expedition as that of Monmouth, they could look with little complacency on his most active opponents ; but it is easy to see why he should have regarded it as the least of the evils among which he had to choose. It offered a new chance of detaching James from Louis. It would strengthen the hope of such a separation on the Continent. It afforded means of acquiring reputation and ascendancy in England ; and while the defeat of an illegitimate claimant might recommend him to the Protestant Tories, whose support was so essential to his succession, it afforded him the means of moderating a victory, gained, indeed, only over one unhappy adventurer, but calculated to spread fear and sorrow among the friends of liberty, whose cause was his, and who alone were devoted to him to the last extremity. The original letters of William to Bentinck, during his mission in England, are still extant, without interruption or mutilation. Like every other part of the correspondence, they are written with the most unreserved freedom. Their calmness, as well as frankness, show that the writer had nothing to conceal. Being once satisfied that the defeat of Monmouth was the least injurious issue of the revolt, he wastes no vain regrets on its inevitable con-

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sequences. He is anxious to hear of the success of the royal army. He distrusts the military capacity of Lord Feversham, and he finally expresses his satisfaction at the event of the battle. He shows no curiosity about the subsequent language or conduct of Monmouth; and appears so little apprehensive of any secret injurious to him transpiring in England; that after the capture of Monmouth, when such a secret, if it had existed, was most likely to be betrayed, he becomes anxious for the immediate return of Bentinck, who was detained in England some days longer by James, probably with an expectation that the continuance of apparent concert between him and his son-in-law would extinguish the last hopes of the disaffected. The Prince was so sensible of the services which he had performed or tendered, that he instructed Bentinck<sup>a</sup>, on taking leave, to ask Lord Rochester what succour he might expect, in case of need, from England; and to declare, at the same time, that the King would find him not resolved on war at all risks and seasons, but desirous of conforming his policy to his Majesty's wishes, with the important reservations of duty to his religion and his country. The unfortunate Monmouth bore a dying testimony to the truth of these declarations by his last letter, in which he appeals to the Prince and Princess as witnesses of the reluctance with which he engaged in his rash undertaking, which they had obtained his promise not to attempt. We know little with certainty of the particulars of Monmouth's intercourse with his inexorable uncle, from his capture till his execution, except the compassionate interference of the Queen Dowager in his behalf; a princess whose blameless demeanour in the performance of her long and difficult part has scarcely obtained the commendation which it seems to deserve. Burnet was indeed better informed of these transactions<sup>b</sup> than most contemporaries; yet his unsupported statement, that Mary of Este treated Monmouth with

<sup>a</sup> Points à parler. Portland MSS.

<sup>b</sup> Sir Edward Villiers, at that time in the household of the Princess of Orange, married the daughter of Chiffenich, in whose apartments, at Whitehall, the interview between James and Monmouth took place. Thence, probably, the report of Burnet.

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arrogance and cruelty, is not sufficient evidence to maintain so black a charge; though, on other occasions, she showed her proneness to indulge those violent passions, which in her declining years misfortune and religion subdued. Whatever may have passed in the interview between Monmouth and his uncle, or in the subsequent conversations with Clarendon and Tyrconnel, this is certain, from the King's conduct immediately after, that, whatever it was, it tended rather to strengthen than to shake his confidence in the Prince. Sidney was sent with Bentinck to Holland; a choice which seemed to indicate an extraordinary deference for the wishes of the Prince, and was considered in Holland as a decisive mark of good understanding between the two governments. The proud and hostile city of Amsterdam presented an address of congratulation to William on the defeat of Monmouth; and the republican party began to despair of effectual resistance to the power of the Stadtholder, now about to be strengthened by the alliance with England. The Dutch ambassadors in London, in spite of the remonstrances of Barillon, succeeded in concluding a treaty for the renewal of the defensive alliance between England and Holland, which, though represented to Louis as a mere formality, was certainly a step which required little more than that liberal construction to which a defensive treaty is always entitled, to convert it into an accession by England to the concert of the other states of Europe, for the preservation of their rights and dominions. The connection between the Dutch and English governments answered alike the immediate purposes of both parties. It overawed the malcontents of Holland, as well as those of England; and James commanded his ministers to signify to the magistrates of Amsterdam, that their support of the Stadtholder would be acceptable to his Majesty. But there was an important difference in the situation of the two parties. The objects for which the Prince of Orange paid court to the King, which was to obtain the co-operation of England against the farther progress of conquest, absolutely required the permanence of the connection; while the triumph of the maxims of civil and ecclesiastical policy adopted in